

DECISION DELEGATED TO HEAD OF PLANNING**DECISION DELEGATED TO HEAD OF PLANNING**

Application No: H23-0905-23 **Applicant:** Mr S Steward

Proposal: Proposed dwelling with garage, swimming pool and storage building

Location: Rear Of Springway Stockwell Gate Whaplode

Terminal Date: 7th December 2023

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
30	Pollution
33	Delivering a More Sustainable Transport Network
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2023**

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking the erection of a single dwelling with indoor swimming pool and garaging on the land to the rear of Springway.

The dwelling is a detached property with living arranged over 3 floors, at ground floor is a garage and indoor swimming pool, at first a gym. Bedrooms are spread across the first and second floors. To the north of the dwelling a 'store' is proposed, this is a large L-shaped building that is open fronted on one site.

Site Description

The site is accessed from a track to the north of Springway on Stockwell Gate, to the rear an open field is located that the applicant describes as a paddock.' From site visit the space was being used for the storage of building materials.

The application site is located outside the defined settlement for Whaplode and located within the open countryside for planning purposes. The application site is also located within flood zone 3 in accordance with the Environment Agencies Mapping System. The flood hazard and depth maps so that the site is located in an area at low risk of flooding.

History

H23-0177-15 - First floor extension above existing bungalow. Approved 15-04-15

Consultation Responses

Whaplode Parish Council

Looks a large development relevant to size of plot, generally support as long as no neighbours overlooked. And a subsequent comment:

The site is not allocated for housing in the local plan. The proximity of the access and parking area to the neighbouring properties would lead to an increase in noise and disturbance to the detriment of the neighbours. The proposal would detract from the environmental quality of this established rural location. By reason of its height, bulk and proximity to the adjacent neighbours it would be obtrusive and overbearing; thus being detrimental to the amenities of these neighbours to the front and side of the site. The proposal would constitute an unsatisfactory form of backland development. These are additional comments to those previously made.

South Holland IDB

The site is within the Internal Drainage District (IDD) of the South Holland Internal Drainage Board

(IDB) and therefore the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.

The Board's Officers have reviewed the documents submitted in support of the above planning application. Officers have noted works which may require Land Drainage Consent from the Board as outlined in the table below and detailed overleaf. Please be aware of the potential for conflict between the planning process and the Board's regulatory regime.

Where consents are required, the Board strongly recommends that these are sought from the Board prior to determination of this planning application. The annexe at the end of this letter outlines the Board's regulatory function and how to apply for Land Drainage Consent.

Environmental Protection

Standard construction working hours should be applied to protect amenity of nearby properties.(adjacent development by this constructor has given rise to noise complaints regarding out of hours working)

Highway & LLFA

Access to the proposed dwelling, garage, swimming pool and storage building would be via an existing vehicle access and roadway that is currently used to reach the yard area to the rear of the Applicants' host dwelling, 'Springway'. This roadway, whilst sharing the junction area immediately adjacent to Stockwell Gate with the host dwelling, separates shortly after this joint junction into two separate accesses. It is noted that the intention is for family members to occupy the host dwelling once the Applicants have moved into the proposed dwelling but, in highway terms, the two units could equally function as two separate and unrelated households. The proposed dwelling has ample parking and manoeuvring space so there would be no expectation of residents' or visitors' vehicles being parked on the public highway or having to be reversed out onto the public highway. A footway on the opposite side of Stockwell Gate provides a suitable means to safely access the proposed dwelling on foot. The movements along Stockwell Gate are not so numerous that it would be unsafe or difficult to cross the road. The Application site is surrounded by existing residential development.

In view of the above, and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application

Representations

A number of objection (3 in total) have been received from local residents. They express concerns in relation to the following material considerations:

- Noise and disturbance from construction related activities
- Concerns regarding the size of proposed residential storage
- Loss of 'wildflower area'.
- Impact upon residential and visual amenity
- Located within the open countryside
- Highways safety impacts

Planning Considerations

Determining Development Proposals (Legislative and Policy Framework)

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted Southeast Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The

relevant development plan policies for the proposal subject to this advice, are detailed above. The policies and provisions set out in the National Planning Policy Framework (updated July 2021) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Assessment

The proposal is for the erection of a dwelling and store within the open countryside, the following issues are relevant to this assessment:

- Principle of Development
- Flood Risk and Drainage
- Character and Landscape
- Residential Amenity
- Highway Safety
- Other Matters
- Planning Balance

Principle of Development

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire until 2036. Policy 1 (Spatial Strategy) expresses the sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The application site is located within the open countryside in accordance with Proposal Map (inset 27 Whaplode) of the South East Lincolnshire Local Plan 2011 - 20236. Policy 1 'D' (Spatial Strategy) of the Southeast Lincolnshire Local Plan is concerned with development within the open countryside, it states:

The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefit

The application site is located within the open countryside and as confirmed 'as at March 31st 2022' there are sufficient deliverable housing sites in South Holland District to meet requirements between 1st April 2022 and 31st March 2027 with 5.9 supply years demonstrated.

The proposal therefore which is for the erection of a single market dwelling is considered unacceptable in principle being contrary to policy 1 of the South East Lincolnshire Local Plan.

Flood Risk & Drainage

Policy 4 sets out South Hollands approach to Flood Risk. The application site is located within flood zone 3 in accordance with the Environment Agency Mapping systems. A review of the hazard mapping and depth mapping that are derived from the SFRA show that the application site is located within an area that has a low risk of flooding.

The applicant has provided an FRA which includes both sequential and exceptions tests. The applicant states that given the low risk area of the site (in accordance with the hazard and depth mapping for South East Lincolnshire) the sequential test is based on the basis that there are no areas in a less vulnerable flood zone. This is consistent with the approach taken by South Holland

officer is assessing the sequential test.

The proposal also puts forward a principal drainage strategy in that surface water will be directed into a soakaway. However, no evidence has been provided to show that infiltration is feasible.

The IDB have been consulted and state that should infiltration on site not be feasible it is likely that consent will be required under Bye Law 3 for discharging into a watercourse. At present then given that the proposed surface water drainage strategy is not evidenced a condition would be attached requiring that such details are submitted to and approved in writing with the LPA. The LLFA have not made comment given that the proposal is not for major development and so outside of their remit.

In terms of foul sewage, the strategy is to direct to the mains sewer, this is covered by external legislation (1991 Water Industries Act) and so a condition in this instance would be unreasonable. Therefore, subject to the aforementioned mitigation the proposal in terms of flood risk and drainage is considered acceptable.

Design, Character and Appearance

Part 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. It is important that new residential development should be of the highest quality to enhance and reinforce good urban design characteristics. It is generally accepted that good design plays a key role towards sustainable development. Regard must be had towards the impact that the proposed dwelling would have on local character, including topography, street patterns, building lines, boundary treatment and through scale and massing.

Specifically, paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are *visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.*

Paragraph 174 (of section 15) seeks to conserve and enhance the Natural Environment. Paragraph 'b' states that (proposals should contribute to and enhance the natural and local environment by) "recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;"

Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 sets out the 'Design of new development' in part it states that "Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable"

The proposal is for a detached dwelling with living accommodation across three floors.

The applicant also proposes a large storage area to the north of the plot. This side of Stockwell Gate is made up of a mix of dwelling types, some single storey and some two storey detached and is generally characterised by frontage development, that protects the open countryside to the rear. An exception to this is a residential development of 9-dwellings approved under H23-1083-20, this allowed for a cul-de-sac development that is accessed from Stockwell Gate.

The application site represents an interface between settlement and countryside and the proposal would seek to erect a 3 storey dwelling on back land to the rear of frontage properties. The scale of the proposed dwelling would have wider impacts upon the open countryside. It cannot be described as being viewed against the 'back drop' of dwellings (when looked at from west to east) as it would overbear and screen the rear of existing frontage dwellings on this part of Stockwell Gate, creating a large amount of massing at height which would alter the appearance of the settlement when viewed from a countryside location. The dwelling would be highly visible across the landscape due to its

scale. Likewise due to its scale the property would 'loom' over The Heathers, The Priory and Spingway which are all bungalow properties, or properties set at a much lower scale. A 3-storey backland dwelling then to the rear would have an unacceptable impact upon the street scene representing an incongruous form of development.

In terms of layout the proposal is considered to be back land, this is not commensurate with the existing residential layout in the area which are made up in the main of frontage properties, even the properties recently approved on the cul-de-sac development face into the street. The siting of the dwelling is also therefore out of keeping.

On this basis then it is considered that the proposal by virtue of its scale, massing, appearance, siting and general design would give rise to unacceptable character impacts both upon the street scene as well as the open countryside. The proposal is therefore considered to be contrary to policies 2 and 3 of the South East Lincolnshire Local Plan as well as paragraphs 130 & 174 of the National Planning Policy Framework

Residential Amenity

Paragraph 130 of the National Planning Policy Framework (2021) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy 2 and of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

The proposed dwelling is located to the west of both the Priory and the Heathers and is located at 10.5m from the boundary in accordance with the proposed site plan. Given its location to the west it is likely (due to the scale of the property) that some overshadowing of the amenity areas in the latter part of the day would occur. Furthermore, the FRA states that the carriageway level of Stockwell Gate is approximately +3.1m OD at the entrance to the site and that Environment Agency LiDAR data shows that ground levels within the site are typically between +3.3m OD and +3.7m OD. This suggests that there is a gradual slope upward to the west. The erection then of a three storey dwelling behind frontage properties on Stockwell Gate (also located on marginally higher topography) would give rise to an overbearing impact upon the rear of those properties. This in conjunction with the overshadowing impacts would result in an unacceptable level of amenity standard for existing residents on Stockwell Gate.

Impacts in relation to vehicular movements, and general noise and disturbance are not considered to be at an unacceptable level. Lastly all openings are carefully positioned and unlikely to result in unacceptable levels of visual intrusion.

The proposal then by virtue of its scale and siting would result in both an overbearing and overshadowing impact upon the existing residents of properties fronting Stockwell Gate. The proposal is considered to be contrary to policies 2 and 30 of the South East Lincolnshire Local Plan as well as paragraph 130 of the National Planning Policy Framework.

Highway Safety

Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Policy 36 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

Section 9 of the National Planning Policy Framework (2021) specifically relates to 'Promoting

sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2021) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

The highway authority have been consulted and have stated that they have no objections on highway safety or parking grounds in relation to the proposed development. The proposal would utilise an existing access on to Stockwell Gate and the authority have no objections to this access being intensified to accommodate a dwelling. Furthermore, sufficient parking is proposed and future residents would be able to egress the site in a forward gear.

The proposal then in respect of highway safety and parking provision would accord with policies 2, 3 and 36 of the South East Lincolnshire Local Plan as well as section 9 of the National Planning Policy Framework.

Other Matters

The applicant has also provided an 'Ecology management Scheme' this would appear appropriate and succinct with the requirements of Policy 28 of the SELLP.

Planning Balance

The applicant states that planning application H23-1083-20 which allowed for 9 dwellings, arranged in a cul-de-sac layout represent a material consideration that a departure from the plan should be supported. It is considered that there are limited comparisons that can be made between this proposal and that approval other than residential form was approved outside of the development boundary of Whaplode. The sustainability benefits of each development is vastly different.

Another application H02-0669-19 has also been brought to attention by the applicant, where 6 self build dwellings were approved by planning committee in a countryside location. Again this development for 6 number self build properties has little correlation in sustainability terms with the single market dwelling applied for under this application.

Application H23-0970-22 is another brought to the attention in respect of justifying the proposal. This application was approved by planning committee as a self built plot. This application is for a frontage dwelling and despite being located outside of any defined settlement boundary would represent an 'infill' form of development, members chose to support this development. Differences between this approval and the proposal are clear, in that the proposed development to the rear of Springway is for a backland dwelling, this give rise to unacceptable Environmental harm that is not outweighed by the modest benefits of a single dwelling on this plot. This site is not considered suitable or commensurate with the local plan.

As it stands South Holland are able to demonstrate that a 5-year land supply for the development of homes exists and the erection of a single market dwelling on backland outside the development limits of the settlement would not represent a sustainable form of development, despite being self build. Only modest benefits would arise economically from the development, this would not outweigh the harm upon the natural and built environment brought about by the dwelling, nor the social impacts through the impingement upon neighbouring amenity. Therefore it is considered that notwithstanding the applicants justification there is insufficient evidence to support a departure from the development plan should be supported.

Conclusion

The proposal is located outside of the development limits of Whaplode and in the open countryside. The proposal is therefore considered unacceptable in principle, representing a departure from the development plan. It is considered that material considerations do not exist in this instance that would support such a departure. The proposal is contrary to policy 1 of the South East Lincolnshire Local Plan.

The proposal would also give rise to unacceptable character impacts both upon the open countryside as well as the settlement and this relates to the siting, scale, massing and general appearance of the dwelling. For reasons relating to siting and scale the proposal would also have both an overshadowing and overbearing impact upon existing dwellings fronting Stockwell Gate.

The proposal then is not in accordance with the sustainable objectives of the development plan and is recommend for refusal.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
- C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.