

DECISION DELEGATED TO DEVELOPMENT MANAGER
--

Application No:	H23-1024-20	Applicant:	Mr & Mrs Bray
Proposal:	Proposed Dwelling and Garage		
Location:	Adj. Maryland Oxcroft Bank Shepeau Stow		
Terminal Date:	20th January 2021		

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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 12 and 14.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a 4 bedroom house and detached double garage.

Site Description

The site is currently garden land associated with Maryland. A bungalow and house are located to the north-east and Maryland (cottage) and a bungalow to the south. Large detached houses are situated opposite.

Planning History

No recent history.

Policies/Constraints

The site is within the settlement limit for Shepeau Stow (Other Service Centre and Settlement) as defined in the South East Lincolnshire Local Plan, 2019.

Consultation Responses

Whaplode Parish Council - Support.

LCC Highways - Recommend informatives.

SHIDB - Recommend drainage strategy. If surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection - No comments.

LCC Archaeology - No input.

Public - Objection received (summarised):

Increase in traffic and noise on already poor roads and general infrastructure. No footpaths or street lights for children attending local primary school etc.

Planning Considerations

The main issues are:

- Principle;
- The effect of the proposed development on the character and appearance of the area;
- Residential amenity;
- Highway safety;
- Other material considerations such as flood risk and drainage.

Principle

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is inside Shepeau Stow Settlement Limit as defined within the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the Local Plan indicates that within Other Service Centres, including Shepeau Stow, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited committed sites and infill. In this case the proposed development is within the existing village fabric.

The proposal therefore satisfactorily complies with Policy 1 of the South East Lincolnshire Local Plan, 2020.

Character/appearance

The site is essentially an infill plot within an existing frontage on the western side of Oxcroft Bank. Existing development along the frontage generally has a varies building line. Some properties such as Maryland are portioned fairly well forward, whilst other properties such as Rumah Sava (house) to the south are set further back. Existing development within the vicinity is also an eclectic mix, including cottages, bungalows and also larger houses.

The proposed house would be set further back than the neighbouring properties. However, it would be on a similar building line as Rumah Sava to the south and is of similar scale and design to other larger properties along this part of Oxcroft Bank. It is considered, on balance, that it would not materially harm the character or appearance of the rural locality.

The proposal does not materially conflict with Policies 2 and 3 of the SELLP in this respect therefore.

Amenity

A bungalow (Marilyn) is located to the north-east and Maryland to the south. Detached houses are situated opposite.

In terms of overlooking, the front of the proposed dwelling is forward of the rear elevation of Marilyn. On its north-eastern elevation it only has narrow dining room windows on the ground floor and ensuite windows at first floor level. The rear section of the north-eastern boundary from the centre of Marilyn backwards is de-lined by a 1.8 metre high closeboarded fence.

Concerning possible overshadowing/blockage of light, Marilyn to the north-east has kitchen and dining/sun room windows on the rear section of its side elevation facing the site and a window on the rear elevation serving the latter. It also has two dormers on the side elevation serving a bedroom. However, the proposed dwelling is only 2.5 metres further forward than the rear of Marilyn and some 6.3 metres from its side wall. Although there would be some blockage of sunlight later in the day during winter months and later evening in the summer the extent is not considered to be such as to justify refusal. Moreover, occupiers of the neighbouring dwelling have not objected to the scheme.

It is considered that the proposal would not materially harm the amenity of neighbouring residents in terms of overlooking, overshadowing, overbearing effect, noise and disturbance, etc. Consequently, the proposal does not materially conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Highways

The proposed dwelling utilises an existing access and a new access would be formed to serve Maryland. Concerns have been raised on grounds that Oxcroft Bank is unsuitable for additional development and has no footway, street lighting, etc. However, the proposal is only for a single dwelling, with four parking spaces, and the access is onto a straight road with satisfactory visibility. LCC Highways has raised no objections on highway safety grounds. The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the SELLP.

Flood Risk

In terms of flood risk, the site is located within Flood Zone 1 of the Environment Agency's Flood Maps. The Strategic Flood Risk Assessment indicates that the site is within an area identified as no hazard. The proposal therefore passes the sequential test.

Concerning the exceptions test, it is recommended that the finished floor level of the dwelling be set 300mm above existing ground level with a further 300mm of flood resilient construction above finished floor level. Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Drainage

Foul water would be disposed of via a septic tank and surface water via soakaways. The site is large enough to accommodate such facilities, including any associated drainage fields if required.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is within Shepeau Stow Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019 and it is considered that the proposal would not materially harm the character/appearance of the locality or amenity of neighbouring residents in term so overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance etc. Concerns have been raised by a resident on highway safety grounds; however, LCC Highways has raised no objections to the scheme.

The proposal therefore satisfactorily complies with Policies 1, 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2019. There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.

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.

Recommendation

That the application be approved under delegated powers.