

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H23-1049-20 **Applicant:** Blue Wave Property Ltd.

Proposal: Erection of Dwelling - outline approval H23-0938-19

Location: Back Bank Whaplode Drove Spalding

Terminal Date: 18th January 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
04 Approach to Flood Risk
36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 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

CASE OFFICER ASSESSMENT

Proposal

The site has outline planning permission for a single dwelling (ref. H23-0938-19). Reserved matters approval is now sought for a 3 bed bungalow.

Site Description

The site (some 0.06ha) is a triangular piece of land located within a residential frontage on the eastern side of Back Bank. A house is located immediately to the north and a bungalow to the south on the opposite side of an agricultural access.

History

H23-0695-18 - O/A - Residential development (one dwelling) - Granted 30 August 2018.

H23-0938-19 - O/A - Residential development - one dwelling - Granted 12 November 2019.

Policies/Constraints

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

Consultation Responses

Whaplode Parish Council - Support.

LCC Highways - Request informatives.

Planning Considerations

The principle of residential development on the site has been established by virtue of the outline consent (ref: H23-0938-19). This application is therefore to assess the reserved matters, namely:

- i) the layout, scale and external appearance of the building(s) (including a schedule of external materials to be used);
- ii) the means of access to the site; and
- iii) the landscaping of the site (including boundary treatment).

Reserved matters approval is sought for a 3 bed bungalow. The external walls would have a white/cream render finish and the roofing material would be Marley Modern Smooth Grey. The windows and doors would be grey uPVC.

The site is located within a frontage that includes both houses and bungalows. The majority are constructed in brickwork; however, the house immediately to the north has a rendered gable. The bungalow to the south is constructed in buff brickwork with light coloured stone cladding under the windows. It is considered that the proposal would not materially harm the character/appearance of the street scene/rural locality. The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

In terms of amenity, a house is located immediately to the north and a bungalow to the south on the opposite side of an agricultural access. Ensuite and garage windows only face north and 1.8 metre high fencing would be erected along the northern boundary between gaps in the existing Leylandii hedge. Patio and utility doors face south; however, the site has a degree of separation from the bungalow to the south and planting is proposed along the boundary. It is considered that proposal would not materially harm the amenity of neighbouring residents in terms of overlooking, overshadowing, overbearing effect, noise and disturbance, etc.

The County Highways Authority has raised no objections on highway safety grounds, subject to informatives.

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. Finished floor levels of the dwelling would be set 300mm above existing ground level with a further 300mm of flood resilient construction above finished floor level.

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.

Planning Balance

The proposal satisfactory complies with the reserved matters and is in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019. There are no significant factors in this case that indicate against the proposal and to outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

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