

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H23-1083-20 **Applicant:** Stinders Developments Co Ltd.
Proposal: Residential Development of 9 three, four & five bed properties
Location: Land Adjacent To The Heathers Stockwell Gate Whaplode
Terminal Date: 26th March 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
05	Meeting Physical Infrastructure and Service Needs
11	Distribution of New Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 12, 14, 15.

Representations:

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

BOARD				
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	1
RESIDENTS	2	7	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

Full planning permission is sought for 2 no. 3 bed houses, 4 no. 4 bed houses and 3 no. 5 bed houses (total 9), served by a new roadway constructed to adoptable standards.

SITE DESCRIPTION

The site (some 0.45ha) is currently agricultural land located on the western side of Stockwell Gate. A bungalow (The Heathers) is located to the north and residential garden associated with a bungalow (Dane Acre) to the south. A footway and agricultural land are currently located opposite.

RELEVANT PLANNING HISTORY

H23-1205-17 - O/A - Residential development together with field access - Granted 9 February 2018

H23-0890-20 - O/A - Residential development together with field access - Granted 2 December 2020.

CONSULTATION RESPONSES

Whaplode Parish Council

Object. Rear of site outside defined settlement limit; Contrary to Policy 1 of SELLP, 2019 and advice within the National Planning Policy Framework; overbearing and unneighbourly form of development out of keeping with the character of the area and detrimental to the amenities of adjoining properties; Substantial surface water run-off, thereby increasing the incidence of flood conditions.

LCC Highways

No objections subject to conditions.

South Holland IDB

Recommend drainage strategy. Discharge to a drain will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Anglian Water

Confirm there is a 150mm public sewer within the development site area which should be taken into consideration during the site layout design.

SHDC Environmental Protection

No comments or objections.

Public

Objections received (summarised):

Additional housing unnecessary/unwanted; Contrary to policy; Unsustainable; Poor drainage; Out of character; Overlooking/lack of privacy; Noise/disruption; Stockwell Gate unsuitable for additional development; Flood risk; Health issues; Blockage of view; Loss of prime agricultural land; Harm wildlife.

Letters of support also received (summarised):

Help support the village, Need more homes; In ideal location for schools and local amenities; No detrimental effect upon village; Good quality housing.

PLANNING CONSIDERATIONS

The main issues in this case are:

- Housing policy/sustainability;
- The likely affect upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk, drainage and ecology.

Principle/Sustainability

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's frontage is inside Whaplode Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Moreover, it has outline planning permission for frontage residential development (ref. H23-0890-20).

The current proposal, however, is for a small cul-de-sac of nine houses served off an adoptable road. The rear section of the site is outside the settlement limit and is therefore regarded as countryside. SELLP Policy 1 indicates that development in the countryside will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable needs of the area in terms of economic, community or environmental benefits. These issues are therefore addressed below.

Economic - Future occupants may work locally, support local services and therefore make a small contribution to the local economy. There may also be employment opportunities associated with the construction, albeit in the short term.

Social/Community - The proposal is deliverable and would help to provide the supply of housing required to meet the needs of present and future generations. Also, Whaplode is defined as a Minor Service Centre in the South East Lincolnshire Local Plan, 2019. It has local services and facilities such as a primary school and convenience stores, takeaway outlets, etc. It is also on a main public transport route. The site is partially within the defined settlement limit and there is a footway on the opposite side of Stockwell Gate. It is considered to be reasonably accessible to local services by means other than a motor vehicle.

Environmental - Existing development to the south of the site on the western side of Stockwell Gate consists of 3 frontage properties on plots of a varied depth, followed by estate development (Tulipfields). Development to the north is predominantly frontage. On this basis, frontage development would appear most appropriate. However, it should be noted that agricultural land immediately opposite is an allocated housing site (Wha002) and will most likely be developed in the near future (ie, a small housing estate). The northern extent of the allocated site more or less corresponds with the northern boundary of the development the subject of this application. Given the specific characteristics of this part of Stockwell Gate, it would be difficult to argue that a small cul-de-sac development would be out of character.

The proposed houses are relatively large. However, existing development along Stockwell Gate is generally varied and has an eclectic mix of housing in terms of age, size and design/appearance. The proposed dwellings would be constructed in red brickwork, with a slate grey roofing tile. It is

considered that the proposed houses would not materially harm the existing streetscene.

In policy terms, therefore, it is considered that the proposal would have some social and economic benefits and that it would not cause significant environmental harm in terms of materially harming the character/appearance of this part of Stockwell Gate.

The proposal is not therefore contrary to the aims and objectives of Policies 1, 2 and 3 of the SELLP, 2019. Policy 2 states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 stipulates that development should respect the massing of neighbouring buildings. These policies are in accordance with advice within the National Planning Policy Framework, 2019. Paragraph 58 indicates that new development should respond to local character.

Residential Amenity

A bungalow (The Heathers) is located to the north. It has a lounge window facing south towards the site and a low garden wall along the front section of the common boundary. Residential garden associated with a bungalow (Dane Acre) is situated to the south, with a high Privet hedge along the boundary. The proposed houses directly facing the neighbouring properties are mainly at least 10 metres from the common boundary. The houses on Plots 1 and 9 are typical frontage properties and would overlook at an oblique angle. The first floor on the southern elevation of Plot 1 and northern elevation of Plot 9 would either be oblique (bathroom) or serve a landing. The general relationship of the proposed development to neighbouring development has been taken into consideration, including separation distances, plus the design/layout of the houses, and it is considered that the scheme would not materially harm the amenity of nearby residents in terms of lack of privacy, overlooking, overshadowing, overbearing effect, etc. This is subject to appropriate boundary screening.

It is recognised that there would be some additional noise and general disturbance generated by additional vehicles and general activity within rear gardens, etc, as well as constructional traffic/work. However, along with health factors, this is not considered to be such as to justify refusal and outweigh factors in favour of the proposal. Construction work could be controlled to an acceptable degree by means of a construction management plan.

Blockage of view is not a material planning consideration and therefore carries no weight. Ownership/maintenance issues are a separate legal matter.

The proposal therefore satisfactorily complies with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan in this respect.

Highway Safety

The development would be served by an adoptable road with a "T" turning head and footways at the site's entrance. Each plot would have satisfactory parking facilities. A footway is situated opposite which runs south towards the village. LCC Highways has raised no objections on highway safety grounds, subject to conditions.

The proposal is therefore in accordance with Policies 2, 3 and 36 of the SELLP in terms of highway safety and parking requirements.

Other Material Considerations

Flood Risk - The site is within Flood Zone 3 as shown on the Environment Agency's Flood Zone Map. However, the hazard mapping within South Holland's Strategic Flood Risk Assessment (SFRA) shows the site to be unaffected if a breach of the flood defence were to occur. The proposal therefore satisfies the sequential test.

In terms of the exceptions test, the finished floor level of the proposed dwellings should be 300mm above the average existing ground levels, which would be approximately 400mm above the level of Stockwell Gate.

Drainage - A mains sewer runs along the site's frontage. Surface water would be disposed of via a sustainable drainage system (harvesting tanks). More precise details can be obtained by means of

conditions.

It is understood that a 150mm public foul sewer runs across the site to serve properties to the north. Clearance and any re-routing falls with the remit of Anglian Water, who are aware of the proposed development.

Ecology - The site is currently farmed land so is not of high ecological value. The existing hedge along the southern boundary is within the ownership of the neighbouring property.

Loss of agricultural land - It is recognised that the proposal would result in the loss of high-quality agricultural land to housing. Records show that the vast majority of land within South Holland is either Grade 1 or Grade 2. In order to deliver the Council's required 'objectively assessed housing need,' as per the provisions of the NPPF, it is inevitable that some high-grade agricultural land will be lost. Given this context, it is not considered that the loss of this amount of agricultural land in this location is an issue that would significantly and demonstrably outweigh the benefits of housing development, and thus represent a valid reason for refusal in this instance.

Planning Balance

The proposal is for a small cul-de-sac of nine houses served off an adoptable road. The rear section of the site is outside Whaplode settlement limit and is therefore regarded as countryside. However, the scheme is considered sustainable in the sense that it would bring socio/economic benefits and would not materially harm the existing character/appearance of this part of Stockwell Gate. Nor would it materially harm the amenity of neighbouring residents in terms of lack of privacy, overlooking, overshadowing, overbearing effect, noise and disturbance, etc, subject to conditions.

There are no significant highway or flood risk issues and drainage can be addressed by means of a condition(s).

The proposal is therefore generally in accordance with Policies 1, 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan, 2019. Loss of agricultural land is a material consideration but is not sufficient in this case to indicate against the proposal and to outweigh factors in favour of the proposal and the policies referred to above.

CONCLUSION

The planning balance lies in favour of the proposal.

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.

The application was referred to Chairman's Panel on 19 March where a delegated decision was agreed.