

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H23-1158-20 **Applicant:** Mr D Carroll
Proposal: Demolition of dwelling and erection of 3 houses
Location: Springway Stockwell Gate Whaplode
Terminal Date: 22nd February 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 2. Achieving sustainable development
 Section 5. Delivering a sufficient supply of homes
 Section 11. Making effective use of land
 Section 12. Achieving well-designed places
 Section 14. Meeting the challenge of climate change, flooding and coastal change.

Representations:

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

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CASE OFFICER ASSESSMENT

Proposal

This is a planning application that seeks full permission for demolition of dwelling and erection of 3 houses at Springway, Stockwell Gate, Whaplode, Spalding.

Site Description

The site forms part of ribbon development on Stockwell Gate. Most of the built-up area of Whaplode is to the south-west. Vast agricultural fields surround the development footprint of the village. There is a wide range of housing types, ages, designs, and appearances on the street scene.

Springway is a large low-pitched bungalow. To the front, a large drive area laid in gravel and some patches of lawn. To the rear, there is a sizeable garden hosting large corrugated sheet coated outbuilding for storage and static caravan. A picket fence with a gate delimits the domestic garden with paddock land westwards. There are a few small and medium scale timber sheds on the field.

To the south, The Priory is a L shaped two-storey detached house with a high pitched outbuilding used for garage near the boundary. To the north, Birch Lodge is also two-storey property with subsequent additions to the rear. A nearly 2 metre high timber closeboard fence is on the boundaries with the adjoining plots.

History

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

Consultation Responses

Members of the public

Two separate representations have been made by the same household raising the following issues:

- Increase of heights from current bungalow to 2 no. two-storey dwellinghouses.
- Overlooking effect from first-floor rear windows to rear gardens of adjoining sites.
- Plot 3 has no rear garden.
- Plot 3 is at odds with the ribbon development.
- Concerns about the viability of Plot 3 as self-building scheme.
- Concerns about whether existing outbuildings on site would be relocated to the paddock land causing loss of landscape views.
- Loss of trees
- Insufficient car parking provision within the curtilage
- Concerns about increasing disposal of drainage waters given the current infrastructure.
- Further clarity about noise levels during construction times.

South Holland IDB

No objection.

Reminds the compliance with Board's byelaws.

LCC Highways/SUDS Authority

No objection.

Requests two informative notes to add should permission be granted.

Planning Considerations

Principle of development

The site is within the settlement boundary of Whaplode as set out in the Policies Map of South East Lincolnshire Local Plan (SELLP), 2019.

Policy 1 of the SELLP sets out the spatial strategy for new development across the district. A settlement hierarchy has been established in order to steer development to the most sustainable locations. Holbeach is classed as Minor Service Centre and as such development would be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

The extent to which the proposed residential scheme is sustainable can be determined by assessing it against each dimension of sustainable development set out in Paragraph 8 of the National Planning Policy Framework (2019) as follows:

1. Economic

The future occupiers of the dwellings may work locally and support local services and make a contribution to the local economy. There may also be employment opportunities associated with the construction, albeit in the short term.

2. Social

According to "South Holland District Council 5-year Housing Land Supply Assessment (as at 31st March 2020)", the Council is capable of delivering housing land supply of 9.1 years under the Liverpool method. Although housing sufficiency has been met, additional dwellings being delivered by the proposal would make a social contribution.

There are basic services and facilities within a 5-10 minutes walk. Regular bus service to Spalding is provide at the junction with High Road/A151. A local Co-op supermarket and two petrol stations are on High Road. There is also a primary school and two pre-schools. Therefore, the future occupiers of the dwellings would be able to meet their day-to-day needs by sustainable travel modes.

3. Environmental

The land of the site has been previously developed, thereby no concern about the loss of greenfield which is sequentially less preferred. The paddock land within the curtilage would remain which is a significant feature that defines the semi-rural character of the area. However, the proposed site layout is such that Plot 3 would constitute backland development which is clearly at odds with the well-defined frontage development onto Stockwell Gate.

No flood hazard is anticipated to the development following the SFRA flood modelling maps. Thus, the development would be safe for its lifetime against significant flood risk probability on site.

On balance, the principle of developing dwellings is acceptable at such location and the development would achieve sustainable development in accordance with Policy 1 of SELLP, 2019 and Paragraph 8 of NPPF, 2019, however this development is discussed further below.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 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. Likewise, Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The proposed scheme consists of demolition of existing bungalow to accommodate two plots and one further to the rear, up to 3 units. All dwellings would be two-storey, two of them 4 bedroom and one 3 bedroom.

The footprint of the front dwellings would follow the building line across the western frontage onto Stockwell Gate. The third plot would appear to the rear of the front plots and, by extension, the entire ribbon development.

Several domestic curtilages within the area have outbuildings to the rear of the dwellings. However, none of them is an independent building for permanent residential use but for incidental enjoyment of the dwellings. The backland form of the development therefore would appear at odds with the character and built form of development within the local area.

Residential amenity

Paragraph 127 of National Planning Policy Framework (2019) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The dwelling footprint in Plot 1 is separated at least 4 metres from the northern site boundary with Birch Lodge. More than 1 metre would be provided between front dwellings and the southern boundary with The Priory. First-floor side windows would be only for bathrooms and therefore no overlooking effect would occur between primary windows.

However, it is concerning the relationship between Plot 3 and Plot 1. The separation distance would be 19.20 metres between the dormer window of Plot 3 facing eastwards and the first-floor rear bedrooms windows in Plot 1. The distance would be shorter between the dormer window and the rear garden. At such proximity, there might be significant overlooking effect that would undermine the amenity of future occupiers of Plot 1.

Furthermore, Plots 1 and 2 would benefit from spacious rear gardens for but Plot 3 would have none. The layout of this plot is such that the garden would be a narrow strip of land stretching between the boundaries and the dwelling footprint. The proposals would not ensure adequate provision of an external amenity area for the enjoyment of future occupiers.

Highways safety and car parking provision

The existing vehicular access would serve the front plots. Each plot would have its own driveway. The layout is acceptable for cars turning and manoeuvring in a safe and convenient manner.

The driveway that runs adjoining the northern site boundary would be enlarged to serve Plot 3. The width would slightly vary along this private roadway, but it will remain in the region of 4.1 metres. Thus, this access would comply with the minimum requirement of 4.1 metre for private driveways serving up to 5 dwellings by County Highways Authority.

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

The proposed plots onto Stockwell Gate would have 4 bedrooms and no in-built garage. Two parking spaces on the driveway are provided per each plot. There should be one further to comply with Appendix 6. The proposals so far would not prevent on-street parking which is in fact the aim of minimum standards for parking provision.

Planning balance

The principle of developing the scheme is acceptable at such location. In general, the proposals would meet the wider sustainability objectives. However, material planning considerations have been carefully made per each relevant aspect of the development.

The built environment in the surroundings consists of a well-defined ribbon development onto Stockwell Gate. The erection of the Plot 3 to the rear of the other two plots would unduly harm the linear pattern of development which defines the character of the local area.

Plot 3 would have no rear garden for the enjoyment of the future occupiers. There would be

significant overlooking effect from dormer window in Plot 3 facing the regard and opposing primary windows in Plot 1. Overall, the residential amenity would not be satisfactorily ensured for all the occupiers of the scheme.

In terms of highway safety, there would be insufficient car parking provision given the potential number of occupiers and therefore on-street parking is not accordingly prevented.

On balance, any adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the above, this application contravenes Policies 2, 3, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Section 12 of National Planning Policy Framework (2019).

Accordingly, it is recommended to refuse this application via 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.