DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-1169-22**	**Applicant:**	**SSJ Property Investments Ltd.**
Proposal:	Proposed Dwelling - outline approval H23-1181-21		
Location:	Adj. Rosedene 10 Mill Lane Whaplode		
Terminal Date:	30th January 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
10	Meeting Assessed Housing Requirements
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2 - Achieving sustainable development
Section 3 - Plan Making
Section 4 - Decision making
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	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a reserved matters application for a proposed detached chalet bungalow and a detached single garage with access off Mill Lane.

The proposal also comprises the means of access to the site, boundary treatments, landscaping, the layout, scale and external appearance of building, including a schedule of external materials to be used. On the ground floor there would be a lounge, bathroom, kitchen/dining room, utility room and a w/c with 2no bedrooms and a shower room in the loft space.

The external walls of the dwelling would have a k-rend off-white lightly textured rendered finish sitting under a marley modern smooth grey concrete interlocking tiled roof with black upvc rainwater goods and white upvc facias and soffits. The doors and windows would be white upvc.

The site has outline permission for one dwelling approved under application reference H23-1181-21.

SITE DESCRIPTION

The application site is located on Mill Lane in Whaplode. The site is currently part of no.10 Mill Lane and forms the garden of this property. The site is enclosed by a high level boundary hedge along Mill Lane. The immediate area is primarily residential comprising bungalows and larger detached dwellings of various ages, size and designs.

RELEVANT HISTORY

H23-1181-21 - Proposed Dwelling - Approved

H23-0801-21 - Residential Development - Erection of Dwelling - Withdrawn

H23-0900-13 - Erection of detached bungalow and garage (outline application H23-0352-13) - Approved

H23-0354-13 - Proposed two-storey extension and detached garage - Approved

H23-0353-13 - Proposed conversion of existing garage to annexe - Approved

H23-0352-13 - Proposed outline application for one dwelling - Approved

H23-0205-03 - Proposed two storey extension - Approved

REPRESENTATIONS

Whaplode Parish Council

Concerns of close proximity to neighbours and overlooking of neighbouring properties.

LCC Local Highway and Lead Local Flood Authority

No objections subject to informatives with regards to the formation of a new access.

South Holland Internal Drainage Board

The applicant has indicated that they intend to dispose of surface water via infiltration, however the viability of this proposal has not been evidenced. It is recommended that ground investigation is carried out to determine infiltration potential. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface/foul 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). If there are any riparian owned/maintained watercourses within or adjacent to the site boundary and the proposals involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Residents

One letter of objection has been received from the adjacent neighbour at no.14 Mill Lane siting the following concerns:
·Loss of light to lounge and dining room windows in the western elevation and conservatory to the rear
·Historically all the dwellings from 10 Mill Lane on the south side to the east are bungalows. Initially a single storey bungalow was proposed but it now appears to be a two storey dwelling
·Confirmation that no windows will be installed on the western boundary within the roof area overlooking our property
·The existing chain link boundary fence with concrete fixing posts must not be removed

PLANNING CONSIDERATIONS

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 Whaplode Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 indicates that within the settlement boundaries of the Main Service Centres development will 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. Furthermore the site has outline planning permission therefore there are no objections raised on locational grounds.

Character and appearance

Policies 2 and 3 of the 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. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 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.

One letter of objection has been received from the adjacent neighbour at no.14 Mill Lane siting concerns that the dwelling would not be in keeping with this part of Mill Lane as historically all the dwellings from 10 Mill Lane on the south side to the east are bungalows. The concerns are noted and whilst this is true, the wider street is a mixture of single and two storey dwellings therefore the proposal chalet bungalow would not be out of character with the immediate area. Furthermore the proposal is for a chalet bungalow wit accommodation in the loft space therefore it would be similar in height and appearance to the existing bungalows in this part of the street.

The principle of a detached dwelling on this site has already been accepted under the outline application and it is considered that there is sufficient space to accommodate one dwelling in this location. The proposed development would infill the gap between no's 10 and 14 Mill Lane and would be in keeping with the built development form in the street. As such the siting of the proposed dwelling is considered acceptable.

The character of the area is defined by a mixture of dwelling types, including both detached and semi-detached houses and bungalows. Spacing is also varied. Whilst some properties are on relatively spacious plots others are closer together. On balance, it is considered that a single dwelling could comfortably be accommodated in this location without materially harming the character or appearance of the immediate area.

The proposed materials are considered acceptable as there are a wide variety of materials present in the immediate street scene.

Taking all these factors into account it is considered, on balance, the proposed dwelling would not materially harm the character or appearance of the locality and would therefore satisfactorily comply with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the NPPF in this respect.

Landscaping and boundary treatments

The existing hedge along the front boundary would be replaced by a 900mm high privet hedge. The front part of the eastern and western boundaries (forward of the proposed dwelling) would have a 1200mm high green mesh fence and the remaining western boundary would have a 1800mm high fence. The existing fence along the eastern and southern boundaries would be retained. These boundary treatments are considered acceptable and in keeping with the street scene.

3no trees are proposed to be planted along the rear boundary and 2no along the front boundary. The driveway area to the front of the house would be gravel and the areas to the side and patio to the rear would be paved the rest of the garden to the rear would be aid to lawn and would likewise be of decent size to ensure good levels of amenity to the future residents.

The proposals for landscaping and boundary treatment would be appropriate with existing site features and the residential use of the land. As such the scheme is considered to be in accordance with Policies 2 and 3 of the SELLP in respect of their provisions on landscaping and boundary treatments.

Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The closest neighbour to the proposed development is no.14 Mill Lane located to the east of the application site. This neighbour initially raised concerns of loss of light to the lounge and dining room windows in the western elevation and conservatory to the rear. They also asked for confirmation that no windows will be installed on the western boundary within the roof area overlooking their property. The concerns are noted, and a site meeting was arranged with this neighbour to explain the submitted plans and clarify the positions of the proposed windows. Following this the neighbour was happy with the proposals and advised they will write in to withdraw their previous objections/concerns. No further written representations have been received from this neighbour. The proposed dwelling would be located approximately 3.1 metres from the shared boundary with this neighbour and a further 1.3 metres from its closest elevation. Given this separation distance and relationship with this neighbour it would not appear overbearing or result in unacceptable levels of overshadowing. this neighbour does have windows in its side elevation facing the application site, however, given the orientation of the property any potential overshadowing would be towards the end of the day and would be minimal given the limited height of the proposed dwelling with the pitch of the roof facing away from this neighbour and separation distance (approximately 4.4 metres). As such any impact on the amenity of this neighbour would be minimal and within acceptable tolerances.

One first floor window is proposed in the western elevation, however, this would serve a bathroom and would be obscure glazed therefore there are no overlooking or loss of privacy concerns in respect of no.10 Mill Lane.

With regards to the neighbour to the rear the proposed dwelling would be sited approximately 12 metres from the rear boundary. This separation distance is considered sufficient as to not result in

any overbearing impact or unacceptable overshadowing. In addition, the proposed dwelling would be sited in a similar position to the existing dwellings east of the application site therefore the relationship with the neighbours to the rear would not change considerably. One new first floor window opening is proposed in the rear elevation. However given the separation distance and the fact 3no trees would be planted along the rear boundary it is not considered that there would be unacceptable levels of overlooking of loss of privacy.

Given the above the proposed development is on balance considered acceptable in terms of its impact on neighbouring amenity and satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Highway Safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. 2no spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. The proposed dwelling would have 3no bedrooms therefore 2no parking spaces would be required.

The parking provision for the existing dwelling would be retained and there would be at least 3no spaces in the driveway for the new dwelling as well as a further space in the proposed garage. As such the site exceeds the current parking standards and the proposal would not result in any unacceptable impact on highway safety.

The County Highways Authority has not objected to the principle of creating a new independent vehicular access subject to the submission of details and subsequent approval at a later stage.

As such the proposal is considered to satisfactorily comply with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of parking and highway safety.

Flood Risk

The NPPF requires the application of a Sequential Test to ensure that new development is in areas with the lowest probability of flooding. The Exception Test is a method to demonstrate and help ensure that flood risk to people and property will be managed, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The FRA submitted as part of the outline application concluded that the development passes the Sequential Test and is therefore suitable for the proposed location. No flood risk prevention measures were suggested.

It was recommended that the site owner, if they have not already, sign onto the Environment Agency Floodline (FWD) system and produce an Evacuation Plan. An informative was attached to the outline application advising the applicant of this.

As such the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on flood risk.

Drainage

The applicant has indicated that surface water would be discharged into a soakaway. It has not been indicated how foul water would be discharged.

South Holland Internal Drainage Board has suggested a ground investigation be carried out in order to determine the infiltration potential of the site and the depth to groundwater. If on-site material

were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws. It is noted that the applicant has not indicated how they propose to dispose of foul water from the development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. If the applicant proposes to discharge treated foul water via soakaway, it is recommended that relevant testing is undertaken as outlined above to evidence the viability of this proposal. An informative would be attached to the planning permission notifying the applicant of this.

Other matters

One letter of objection has been received from the adjacent neighbour at no.14 Mill Lane siting the following concerns of the boundary fence potentially being removed to accommodate the construction. The concerns are noted, however, the submitted plans indicate that the existing boundary fence and concrete posts would be retained.

Planning Balance

The principle of developing the residential scheme is acceptable at this location as the site is within the settlement boundary of Whaplode and benefits from outline planning permission.

The proposal is in a sustainable location for new housing. It is considered, on balance, that a single dwelling in this location would not materially harm the character or appearance of the locality nor would the proposal materially harm the amenity of neighbouring residents in terms of lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. The proposal satisfies the sequential/exceptions tests in terms of flood risk. There is also sufficient off-street parking/turning proposed within the site for the dwelling therefore no unacceptable impact would result in terms of parking/highway safety

On balance, no 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 complies with Policies 1, 2, 3, 4, 10, 11, 28, 30, 31, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 3, 4, 5, 11, 12 and 14 of the National Planning Policy Framework (2021).

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.