

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H23-1181-21      **Applicant:** Ms J Jacklin

**Proposal:** Proposed Dwelling

**Location:** Adj. Rosedene 10 Mill Lane Whaplode

**Terminal Date:** 11th January 2022

### 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                        |
| 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       | 0        |
| WARD MEMBER                                 | 0      | 0       | 0       | 0        |
| SOUTH HOLLAND<br>INTERNAL DRAINAGE<br>BOARD | 0      | 0       | 0       | 1        |

|               |   |   |   |   |
|---------------|---|---|---|---|
| SHDC INTERNAL | 0 | 0 | 0 | 1 |
| RESIDENTS     | 1 | 0 | 0 | 0 |

## **CASE OFFICER ASSESSMENT**

### **PROPOSAL**

Outline planning permission is sought for a single dwelling with all matters reserved.

### **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**

H23-0801-21 - 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**

#### **SHDC Environmental Protection**

No objections but has suggested a standard contamination condition.

#### **South Holland Internal Drainage Board**

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).

#### **Public**

One letter of objection has been received siting concerns of:

- Restricted access during the construction period
- Construction noise
- Vibration from construction vehicles/equipment may damage neighbouring properties

### **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. No objections are therefore 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.

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 be accommodated in this location without materially harming the character or appearance of the immediate area.

As this application is in outline with all matters reserved, the character and appearance of the dwelling would be considered at the reserved matters stage.

Taking all these factors into account it is considered, on balance, that subject to design and materials a single dwelling on this site as indicated 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.

## 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. The proposed dwelling as indicated on the submitted block plan would be located approximately 1.8 metres from the shared boundary with this neighbour and 3.1 metres from this neighbour's side elevation. Given this separation distance and the staggered layout, it would not appear overbearing or result in unacceptable levels of overshadowing.

No details have been submitted with regards to the height/design of the dwelling and position of windows therefore it is difficult to fully consider the impact on neighbouring amenity. It is advised that no primary first floor windows are proposed in the eastern and western elevations to avoid overlooking or loss of privacy of adjacent neighbours. Any windows in the rear elevation would be accepted given these would be in a similar position to the existing dwellings therefore it is not considered that there would be increased overlooking.

As such subject to 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

### 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. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

This is an outline application with all matters reserved, including parking/access. These would be submitted at a later stage under a reserved matters application.

The parking provision for the existing dwelling would be retained and although no parking is indicated for the proposed dwelling at this stage, there does appear to be sufficient space within the proposed dwelling curtilage to accommodate sufficient parking at the front of the dwelling. It is therefore not considered that this proposal would result in an unacceptable impact on highway safety.

Consideration would need to be given to the access for the new dwelling to ensure suitable visibility is provided.

Subject to the above the proposal is considered to satisfactorily comply with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of 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 development is protected by defences during the 1% annual probability (1 in 100 chance each year) fluvial event and 0.5% annual probability (1 in 200 chance each year) tidal event including an allowance for climate change. The site is not at risk during a breach of the tidal defences.

Using the LIDAR ground level data that is used by the Environment Agency for flood modelling, the estimated level of flooding for flood zones 3 and 2 is 3.3m and 3.4m respectively in the site locality. Ground levels within the plot are at approximately 3.6m therefore the site can be considered as being within Flood Zone 1.

The SFRA recognises that the South Holland area is low lying, and that few areas are outside of Flood Zone 3. The SFRA considers the residual flood levels which take into account the presence of flood defences. A Standing Advice Matrix has been created to allow a more pragmatic approach to be followed. Using the matrix, the development would be acceptable and no mitigation required. A single storey building on the site is considered acceptable as floor levels will be above the 0.1% (1 in 1000 years) flood level including predicted climate change (for year 2115).

The FRA concludes that the development passes the Sequential Test and is therefore suitable for the proposed location. No flood risk prevention measures have been suggested.

It is 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 has been attached to the decision notice advising the applicant of this.

Subject to the above advice 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. An informative would be attached to the planning permission notifying the applicant of this.

### Waste

No details have been submitted with regards to the storage/collection of waste associated with the proposed dwelling. In order to ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set, in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 a condition is proposed requiring the submission of the means of storage and disposal of refuse and recycling, as well as appropriate management and maintenance.

### Other matters

One letter of objection has been received from a local resident siting concerns of restricted access during the construction period, construction noise and potential vibration from construction vehicles/equipment which may damage neighbouring properties. The concerns are noted, however, any noise/nuisance/traffic during the construction period would be temporary and not excessive given the minor nature of the proposal therefore the scheme could not reasonably be resisted on this basis.

### Planning Balance

The principle of developing the residential scheme is acceptable at this location as the site is within the settlement boundary of Whaplode.

The proposal is in a sustainable location for new housing. It is considered, on balance, that a single dwelling as indicated on the submitted block plan 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.

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.