

## SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 15 January 2020

(Author: Joan Isus - Planning Officer)

Purpose: To consider Planning Application H23-1012-19

Application Number: H23-1012-19

Date Received: 14 October 2019

Application Type: FULL

Description: Erection of one detached bungalow

Location: Land off Green Bank Whaplode Drove

Applicant: Mr M Coles

Agent: Mr Basil Samila - Headley  
Stokes Associates Ltd

Ward: Whaplode and Holbeach St  
Johns

Ward Councillors: Cllr A C Beal  
Cllr P A Redgate

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H23-1012-19>

### 1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 An objection has been received from a SHDC employee.

### 2.0 PROPOSAL

2.1 Full planning permission is sought for the erection of a 4 bedroom, detached bungalow.

### 3.0 SITE DESCRIPTION

3.1 The proposed site fronts onto Green Bank to the west. The site is a smallholding of an approximately 2.69 hectare agricultural field which is under applicant's ownership and currently leased to a farmer. The remainder of the arable land would extend to the north-east, east and south-east from the site.

3.2 The site would constitute an enlargement of a short frontage development comprising detached bungalows within fairly spacious plots. Fairview is the adjacent property to the north. The land immediately to the south would remain vacant forming a gap with Emsted further down the road. The boundary treatment of both adjacent properties to the site obscures views from the ground level onto the site.

### 4.0 RELEVANT PLANNING POLICIES

#### 4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

Policy 1 - Spatial Strategy  
Policy 2 - Development Management  
Policy 3 - Design of New Development  
Policy 4 - Approach to Flood Risk  
Policy 10 - Meeting Assessed Housing Requirements  
Policy 11 - Distribution of New Housing  
Policy 17 - Providing a Mix of Housing  
Policy 19 - Rural Exception Sites  
Policy 28 - The Natural Environment  
Policy 31 - Climate Change and Renewable and Low Carbon Energy  
Policy 36 - Vehicle and Cycle Parking  
APPENDIX 6 Parking Standards

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### National Guidance

National Planning Policy Framework (NPPF), 2019

Section 2 - Achieving sustainable development  
Section 5 - Delivering a sufficient supply of homes  
Section 9 - Promoting sustainable transport  
Section 12 - Achieving well-designed places  
Section 14 - Meeting the challenge of climate change, flooding and coastal change  
Section 15 - Conserving and enhancing the natural environment

Planning Practice Guidance (PPG)

National Design Guide

## **5.0 RELEVANT PLANNING HISTORY**

5.1 None.

## **6.0 REPRESENTATIONS**

6.1 Whaplode Parish Council

Support. No further comment.

6.2 Ward Councillor

Cllr A Beal - No objection to the concept of a single dwelling.

6.3 LCC Highways/SUDS

No objection subject to conditions, but note only two parking spaces are shown, recommend three spaces for 4 bed dwelling.

6.4 LCC Historic Environment

No archaeological impact.

6.5 SHDC Environmental Protection

No observations.

6.6 Public

Two objections received, points made as follows (summarised):

- The site is outside the confines of the village and so is considered to be located in open countryside.
- The proposal would be contrary to the SELLP.
- The Council has a 5 year land supply and therefore does not need to grant permission for such sites that are contrary to the development framework.
- The site is not an infill plot.
- The design of the proposal is unremarkable and no case for an exception to policy has been made.
- Unclear regarding foul sewage disposal.
- Speed limit on Green Bank should be reduced from 40mph to 30mph.
- Pavement and road should be maintained to a standard in line with the village.

## 7.0 CONSIDERATIONS

### 7.1 Planning Considerations

7.2 The main issues in this case are:

- Whether the application site would be suitable for a dwelling, having regard to policies for the location of new housing, accessibility to services and facilities and the character and appearance of the area;
- Other material considerations such as amenity, highway safety and flood risk.

### 7.3 Housing Policy/Sustainability

7.4 According to the Inset Map No. 68 of South East Lincolnshire Local Plan (SELLP), the front half of the site would fall within the settlement boundaries of Whaplode Drove whereas the rear half would remain in land designated as countryside. Having regard to the legibility of the site in relation to the surroundings, the site is considered to be within the boundaries of the settlement.

7.5 Policy 1 of SELLP set out the principles of the spatial strategy for steering new development to the most sustainable locations while protecting the character of the countryside. Whaplode Drove is classified as an Other Service Centres and Settlements within the settlement hierarchy. As such, "within the settlement boundaries of the Other Service Centres and Settlements (as shown on the Inset Maps) 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. Development will normally be limited to committed sites and infill".

7.6 The intended bungalow could entail the arrival of new residents to Whaplode Drove, or encourage existing residents to remain within the village, who would potentially use the services and facilities of the village. There is a footpath connecting the site with the village centre and the distance between both places is easily walkable.

7.7 The proposal would not fully comply with regards to whether the site is committed and the scheme constitutes infill development. As the policy wording indicates, development will normally be limited to the aforementioned criteria. It is interpreted that exceptions might be considered unless material considerations indicate otherwise.

7.8 As of 31 March 2019 the Council can now claim a 5-year housing land supply, and is able to demonstrate a supply of deliverable sites equivalent to 6.07 years through the latest Housing Land Supply Assessment. The assessment covers the five-year period 2019/20 to 2023/24 and has been prepared in accordance with the revised National Planning Policy Framework and Planning Practice Guidance. There is certainly no longer social need for further housing across the District.

7.9 Notwithstanding this, as mentioned above, the proposal would support the role of Whaplode Drove role as a service centre for the settlement itself and contribute to sustain existing facilities in the village. The cumulative impact of the likely arrival of new residents would not increase the pressure on the facilities and services given the scale of the proposed residential development.

- 7.10 The bungalow would be positioned insofar that the building line along the frontage development would be respected. The site would not extend to the rear further than Fairview, the adjacent property to the north. In doing so, the site layout would be in keeping with the immediate pattern of development and the countryside would not as a result be encroached upon by the development. No material adverse impact therefore would be anticipated upon the character and appearance of the area.
- 7.11 In view of the above, the benefits of permitting the development would demonstrably outweigh any adverse impacts and therefore the principle of development for the intended bungalow on the proposed site would be acceptable.
- 7.12 Other material considerations
- 7.13 Design and layout
- 7.14 A crossover would be created on Green Bank to serve vehicular access to the future residents and visitors to the site. The front drive would be surfaced with permeable gravel. Permeable block paving would be to the rear of property. The rear garden would be spacious and laid to lawn.
- 7.15 Timber boarded fence would bound the site. It would be 1 metre high on the front boundary and 1.8 metre high on the southern and rear boundaries. The neighbouring hedgerow in the adjacent property Fairview would be the boundary treatment of the site to the north. The appearance and height of the means of enclosure would be characteristic of residential development.
- 7.16 The bungalow footprint reveals that the building would have an L shape. At the front part of the bungalow, a hall would serve access to four bedrooms, one of them ensuite, and a bathroom. To the rear, a large combined kitchen and living area. The total internal floor space would amount 118 square metres. The rooms appear to be sufficiently spacious for providing minimum amenity standards to the future occupiers.
- 7.17 The ridge height of the bungalow would be 5.2 metres and the eaves height 2.55 metres. Given the aforementioned footprint and floorspace, the form of development is appropriate in relation to the site area and commensurate with the scale and height with the bungalows on the frontage.
- 7.18 The variety of ages and architectural features provide a non-uniform character to the frontage development. The gable pitches on the roof of the proposed bungalow as well as the intended external materials would not create any detrimental impact to the built environment in the locality by reason of visual amenity and character of the local area.
- 7.19 The design of the proposal would respond to the principles of sustainable development by the incorporation of photovoltaic anti-reflection glazed solar panels on the roof, the installation of a soakaway in the rear garden as well as both ground and air source heat pumps.
- 7.20 Residential amenity
- 7.21 Given that the scale and height of the proposed dwelling would be commensurate with the surrounding bungalows, the separation distances of the proposed dwelling would not compromise the amenity standards of the residents of Fairview to the north in terms of overbearing effect.
- The boundary treatment described above is clearly high to obscure any views from a single-storey dwelling and prevent any overlooking effect to the adjacent land.
- 7.22 Highway safety and car parking provision
- 7.23 The County Highways Authority has raised no objection to the proposed development. It has

been only reminded to design the new vehicular access in accordance with the Highways Act.

7.24 The front drive would incorporate three car parking spaces. The car parking provision would be in accordance with the minimum standards for a 4 bedroom dwelling contained in Policy 36 and Appendix 6 of SELLP.

7.25 Flood risk and drainage

7.26 The site is within Flood Zone 1 according to both the Environment Agency's Flood Map and South East Lincolnshire Strategic Flood Risk Assessment (March 2017). Such area is land having the lowest flood risk so that the erection of the bungalow would not likely exacerbate the impact of flood risk elsewhere and the minimum safety standards would be preserved for the bungalow as well as its future occupiers.

7.27 In any case, the proposed soakaway will represent the use of sustainable drainage systems (SUDS) to collect and infiltrate surface water runoff to the soil. In doing so, the capacity of the main sewers will be unlikely exceeded in case of heavy rainfalls due to the additional bungalow. Fluvial flooding consequently would be likely prevented on the site and its surroundings. There is no evidence of low soil permeability in the area. However, the suitability of the soakaway would be confirmed at a later stage with SHDC Building Control.

7.28 **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.

7.29 Conclusion

7.30 The application site is partially within the Whaplode Drove settlement boundary, although the rear part of footprint of the dwelling and rear garden would be outside. Thus although this does not strictly conform to the provisions of the Local Plan, on balance it is considered the benefits of permitting the development would demonstrably outweigh any adverse impacts and therefore the principle of development for the intended bungalow on the proposed site would be acceptable.

8.0 **RECOMMENDATIONS**

8.1 **Grant permission subject to the conditions set out in Section 9.0 of this report.**

9.0 **CONDITIONS**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Application form;  
1773/5/01;  
1773/5/02;  
1773/5/03;  
1773/5/04;

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Before the commencement of the development hereby permitted beyond oversight a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.  
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4. Before the commencement of the development hereby permitted beyond oversight, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Note: The applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.  
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

5. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

6. The permitted development requires the formation of a new vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highway Authority in accordance with the Authority's specification that is current at the time of construction. For further information, please telephone 01522 782070 or e-mail [developmentmanagement@lincolnshire.gov.uk](mailto:developmentmanagement@lincolnshire.gov.uk).

7. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

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Background papers:- Planning Application Working File

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**Lead Contact Officer**

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**Appendices attached to this report:**

Appendix A Plan A

# MapThat Scale Print Title

