DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-0990-22**	**Applicant:**	**Debnam Brickworks Ltd**
Proposal:	Erection of single storey dwelling.		
Location:	Rear Of Charter Lodge Charters Lane Long Sutton		
Terminal Date:	9th 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
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

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.

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

The proposal is for a single storey, three bedroomed dwelling in the rear garden of Charter Lodge, on the west side of Charters Lane. The dimensions of the main part of the proposed dwelling are 11m wide, 11m long, with a smaller utility, bathroom and bedroom being 4m wide and 8.8m long, attached to flank of the dwelling. The height measures 2.4m to the eaves and 5.8m to the top of the ridge. The proposal incorporates two parking spaces. Access is shared with the host dwelling.

Site Description

The plot is a large plot, and an unusual shape, as it wraps around the rear gardens of 67-75 Gedney Road. The proposal would sub-divide Charter Lodge and would be 'backland' development. The surrounding area has a mix of styles reflecting its rural location. The plot is characterised by a number of mature trees, some of which are worthy of a Tree Preservation Order. The mature landscaping shields the site from neighbouring properties, and their gardens are not readily visible from within the centre of the site. A mature horse chestnut exists at the front boundary. In the rear is a mature damson, a large willow tree, silver birch, pear and a walnut trees. Other trees and shrubs exist along the periphery. A Eucalyptus and Cypress tree also exist on site.

History

No relevant history.

Consultation Responses

Gedney Parish Council

No objections.

LCC Highway and Lead Local Flood Authority

This proposal is for the erection of a single storey dwelling. The existing access arrangements are satisfactory and adequate provision for parking and turning facility is proposed within the limits of the site, therefore it is considered that the proposals would not result in an unacceptable impact upon highway safety.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all major applications. This application is classified as a minor Application and it is therefore it is the duty of the local planning authority to consider the surface water flood risk and drainage proposals for this planning application.

No Objections.

SHDC Tree Officer

The tree officer made a site visit and revisions to the layout plan were discussed on site. She notes that there has now been a helpful amendment reflecting discussion on site. She reports that the willow will have to be controlled, or will soon outgrow the space, but they do respond well to regular pruning; the walnut has potentially much growth; the pear and willow will be somewhat suppressed by the development but overall she is happy for the amendment to be accepted.

South Holland Internal Drainage Board

The Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.

Byelaw 3 (Surface Water)
Surface water is to be via infiltration, however the viability of this proposal has not been evidenced. Ground investigation is recommended to be carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, should the applicant propose to discharge surface water to a watercourse, consent would be required under Byelaw 3. Any discharge should be in line with the non-statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

Byelaw 3 (Treated Foul Water)
Disposal of foul water is to be via a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991
There appears to be no riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10
There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Anglian Water

They only comment on larger schemes. In this case there are no comments other than information that can be included as a note as follows:

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any
encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps. Please see our website for further information:

https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/

Please note that if diverting or crossing over any of our assets permission will be required. Please see our website
for further information:
https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets

Public

A comment was made by a local resident to keep the mature damson tree at the bottom corner of the plot to be left intact. It's trunk straddles the boundary line between the application property and a neighbouring property. The resident states that it's large canopy absorbs the noise from the A17 and it is a haven for birds and other wildlife.

Planning Considerations

Principle and Sustainability

Section 38(6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

Policy 1 of the South East Lincolnshire Local Plan 2019 (SELLP) relates to the overall settlement hierarchy of the district and encourages development in more sustainable locations. The site is within the defined settlement boundary of Long Sutton which is designated as a 'Main Service Centre'. Development will be permitted in Main Service Centres 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 proposal is within the settlement boundary and is therefore sustainable development. There is

no conflict with Policy 1 of the SELLP as a result.

Size, Scale, Layout and Design

Policy 2 of the SELLP states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to, amongst other things, size, scale, layout, density, impact on amenity, character and appearance of the area and the relationship and impact on existing development and neighbouring land uses, the quality of design, access and vehicle generation level and visual intrusion.

The proposed dwelling is modest in terms of overall height with a low eaves resembling a cottage in style, and is positioned in the centre of the plot. It has been amended to minimise trees that are worthy of retention upon the advice of the tree officer. A cypress and eucalyptus tree are to be removed (which are not worthy of retention) but a pear, walnut, willow and 2 silver birch trees are to be retained. The retained trees will help to screen the development from adjoining occupiers.

As amended, the proposal is considered to be satisfactory in terms of overall design, scale and layout, because an additional dwelling can be achieved on this site given the plot is so large. Due to the need to ensure retained trees are kept healthy, and to avoid post development pressure for their removal, a condition removing permitted development rights is recommended to ensure future extensions do not protrude further into their root protection areas. A no dig solution for the driveway and parking spaces is also suggested to preserve trees, with cellular webbing beneath permeable driveway material.

Overall, the design of the dwelling would not represent a dominating feature or be visible within the area as it is at the rear of the site, and it is single storey. Appropriate materials will be necessary to ensure the design is complemented, therefore, a condition relating to materials would be appropriate. As a result of these measures being in place, the proposal is considered to comply with policy 2 of the SELLP.

Effect on neighbouring properties

Policy 3 of the SELLP requires all development to create distinctive places, with inclusive design and layout, be sensitive to landscape character, and take into account residential amenity. One comment has been received in relation to this proposal which requests the retention of a damson tree. The agent has confirmed that the tree is in the corner of the site and can be retained. It will be unaffected by the proposals. There is no logical reason to remove the tree and whilst not on the site plan (as it is in the corner), a condition can be applied so that it can be retained, as part of a wider landscaping scheme.

In terms of overall impacts to neighbours, it is considered that there are no adverse effects on neighbouring properties and the proposal does not lead to loss of light and overshadowing, particularly as it is single storey only.

The mature landscaping and trees on site further reduce the impact on neighbouring properties as the plot is well screened along its boundaries.

The proposal is not in conflict with Policy 3 of the SELLP.

Flooding Considerations

Policy 4 of the SELLP relates to the approach to flood risk and details how development proposals will be determined, including sequential testing and other relevant considerations.

The Government Flood Map for Planning identified the site as being in Flood Zone 3. This has a high probability of flooding and requires a Flood Risk Assessment.

The Environment Agency Long Term Flood Risk shows a low risk of flooding from surface water flooding and flooding from rivers or the sea (annual probability between 0.1% and 1%).

The Update of the Strategic Flood Risk Assessment Residual Flood Extent year 2115 1% Fluvial/0.5% Tidal Event probability for the year 2115 shows a high probability of flooding, but not for the present day.

The Update of the Strategic Flood Risk Assessment Residual Flood Hazard District year 2115 shows that the rear of the plot is between 0.75 and 1.25 (danger for some) and the front of the plot 1.25 and 2.0 (danger for most) for the year 2115 for the 1% Fluvial/0.5% Tidal Event Probability, but it is not in a zone for the present day event probability of 1% Fluvial/0.5% Tidal probability.

The Residual Peak Depth information for the extent of fluvial and tidal domination map for the year 2115 1% fluvial and 0.5% tidal event probability shows a peak depth of 0.25-0.5m at the back of the plot and 0.5-1m at the front of the plot.

The Sequential Test and Exception Test are required. The application site will be protected against both 1 in 200 year return period tidal event and 1 in 100 year return period fluvial event being located in fluvial Flood Zone 1 of the SELSFRA Residual Depth Map. The Sequential Test is met as the proposal is located in Flood Zone 1.
25.

This application incorporates proposals that include flood mitigation measures to ensure they pass Part 2 of the Exception Test with a water exclusion strategy for the design flood and breach event.

The application site is not within a functional floodplain. It is located on the Passive Floodplain protected by defences for a 1 in 100 year return period (0.1%).

As the application is located within the SHIDB having a minimum standard of drainage of 1 in 50 years, it accords with DEFRA guidelines. Freeboard of 900mm to lowest land level is available for events greater than 1 in 50 years with further storage provided with the numerous drainage channels.

In the Flood Risk Assessment it was recommended that the surface water from the proposed dwellings will be discharged to BRE 365 designed soakaways.

The proposed FFL will exceed by 300mm that of the existing dwelling, Charters Lodge.

Flood resilient construction will be incorporated in the building fabric and design up to 1.00m above GFFL which will protect from the risk of flooding from tidal defences being breached in 2115 and beyond.

These elements can be controlled via a pre-commencement condition which has been agreed with the agent and applicant in writing. Subject to the above measures it is not considered that the proposal conflicts with policy 4 of the SELLP.

Foul and Surface Water Drainage

Surface water is to be dealt with via soakaway.

The surface water details are considered satisfactory subject to standard notes associated with comments from the IDB being highlighted to the applicant.

Foul water is to be connected to the sewer.

These details are considered to be satisfactory subject to standard notes associated with comments from the IDB being highlighted to the applicant.

Impact on Biodiversity

Section 15 of the National Planning Policy Framework (NPPF) and Policy 28 of the SELLP seeks to provide net gains for biodiversity. The retention of mature trees on site is the greatest contribution towards biodiversity, however a condition relating to the submission of minor details to benefit biodiversity is considered appropriate for items such as swift and bat bricks to ensure that overall there is a net biodiversity gain.

Third party comments have been received seeking to retain the mature damson tree in the rear garden which they consider is beneficial to wildlife. A condition is suggested seeking a detailed landscaping scheme and tree retention plan which would include retaining this and other valuable trees, which would benefit amenity and biodiversity.

Subject to such a condition the proposal is considered to be in compliance with policy 28 of the SELLP.

Highway Safety and Parking

Policy 36 of the SELLP states that all new development should provide vehicle and cycle parking in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (Appendix 6). The dwelling is three bedrooms which requires 2 car parking spaces and one cycle parking space. Parking is to be on the front drive and as long as appropriate materials are used which do not affect trees, and a 'no dig' solution with an appropriate amount of cellular webbing beneath permeable material is used for their installation, which can be controlled via condition, the details are considered satisfactory. A condition in relation to the submission of a cycle rack can also be conditioned to comply with Appendix 6.

The proposal is considered to be compliant with policy 36 of the SELLP.

Planning Balance

Section 38 (c) 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. To determine whether the proposal accords with the Local Plan it is necessary to undertake a planning balance exercise having regard to economic, social and environmental objectives.

In economic terms, future occupants of the house may work locally, support local services and therefore make a contribution to the local economy. There would be short term economic benefits associated with the construction of the dwelling and minor long term benefits of increased spends associated with the household. The economic benefits resulting from the proposal are minor, but weigh in favour of the proposal.

In community terms, the proposal would make a contribution, albeit small, towards providing a house that contributes to housing supply in the district. This weighs in favour of the proposal.

In environmental terms, a condition to secure biodiversity benefits such as swift boxes weighs in favour of the proposal, as well as ensuring that mature trees on site are retained.

The benefits of the proposal outweigh any harm in the overall the planning balance and as such there is no compelling reason to withhold planning permission.

Conclusion

The proposal is considered acceptable and approval is recommended.

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.