DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-0603-21**	**Applicant:**	**Mrs J Warrick**
Proposal:	Replacement dwelling and 2 new dwellings		
Location:	50 Roman Bank Long Sutton Spalding		
Terminal Date:	16th June 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
29	The Historic Environment
30	Pollution
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
Section 16 - Conserving and enhancing the historic environment

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
SHDC INTERNAL	0	0	1	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

Outline planning permission is sought for a replacement dwelling and 2 new dwellings with all matters reserved.

SITE DESCRIPTION

The site is located on Roman Bank, within the Long Sutton settlement boundary. There is an existing dwelling towards the rear of the site. The front boundary is enclosed by high level trees/hedging. The site is located within flood zone 3. The immediate area comprises dwellings of various ages, size and designs.

RELEVANT HISTORY

No relevant planning history.

REPRESENTATIONS

LCC Highways/SUDs

Does not wish to restrict the grant of permission subject to informatives regarding formation of new access.

Environmental Protection

No objections.

Conservation Officer

No objections to the principle of the proposed residential development in this setting. However, given the close proximity to the listed mill, I would advise the applicant that at such a time as they are preparing to submit the final designs under reserved matters, they should be mindful of the potential impact upon the nearby listed building and as such seek to use design to mitigate against any negative effect upon the setting of the listed building.

South Holland Internal Drainage Board

No drainage strategy has been submitted therefore it is recommended that the scheme is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then infiltration testing in line with BRE Digest 365 (or equivalent) should 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 (specifically byelaw 3). If the applicant wishes to discharge treated foul water to a watercourse this proposal will require land drainage consent in line with the Board's

byelaws (specifically byelaw 3). If the proposals do involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Residents

1 letter of objection has been received from a local resident siting the following concerns:

·The close proximity of the new house nearest the northern boundary will have a detrimental effect to the privacy of no.54 Roman Bank.
·The "Existing Residential Curtilage" plan does not show the mature trees that are to the south to the northern hedge line and therefore do not show a true representation of the existing site.
·Access to the new dwelling from Roman Bank would have limited visibility to the north if placed as shown on the plan due to the existing hedge to the front of 54 Roman Bank.
·There is a mature willow tree in close proximity to the proposed northern drive. Would this tree and the mature silver birch and conifer trees be retained or removed?
·Are there plans to demolish the existing corrugated workshop shown on the plans? If so, will the secure boundary with 54 Roman Bank be reinstated to such a standard as to safeguard domestic animals from straying?
·Existing boundary lines should be agreed with the residents of 54 Roman Bank before any work is commenced on site if the plans to develop are approved.

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 the Long Sutton Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019 and forms part of the garden for 50 Roman Bank therefore the principle of development is accepted in this location. in addition, the principle of residential use is already established on the site as there is an existing dwelling.

Character and appearance

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 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. Paragraph 197 of the NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

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 l and uses. Policy 29 of the SELLP states that development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets including conservation areas.

The character of the area is defined by a mixture of dwelling types, including two storey 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 3no dwellings could be accommodated in this location without materially harming the character or appearance of the immediate area.

The Council's Conservation Officer has raised no objections in principle to proposed residential development in this setting. However, given the close proximity to the listed mill, it is advised that when final design details are submitted, the applicant should be mindful of the potential impact upon the nearby listed building and as such seek to use design to mitigate against any negative effect upon the setting of the listed building.

Taking all these factors into account it is considered, on balance, that subject to design and materials a 3no detached dwellings 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.

This is an outline application with all matters reserved therefore it is difficult to fully assess the impact on neighbouring amenity and this would therefore be fully assessed at the reserved matters stage.

The neighbour at no.54 Roman Bank has objected to the proposals on grounds that the close proximity to the new dwelling, closest to the northern boundary would result in detrimental impact on the privacy of no.54 Roman Bank. The concerns are noted, however, as this is an outline application with all matters reserved it is difficult to fully assess the impact on this neighbour in terms on loss of privacy as the position of windows is not known at this stage. Based on the indicative plans the proposed development is not considered to result in any overbearing impact or unacceptable overshadowing given the separation distance.

With regards to the neighbour to the south at no.48 Roman Bank the closest dwelling as shown on the indicative block plan would be sited a sufficient distance from this neighbours closest elevation. As such it is not considered that any overbearing impact or unacceptable overshadowing would result. In addition, there are high level trees along the southern boundary which further reduce any potential impact.

As such subject to a suitable design and positioning of primary windows 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 and paragraph 130 of the SELLP, 2021.

Parking/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. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

One letter of objection has been received from a local resident at no.54 Roman Bank siting concerns that there would be limited visibility where the new access near the northern boundary is proposed. The concerns are noted, however, as this is an outline application with all matters reserved, this would be considered at the reserved matters stage. In addition, the Local Highway Authority has not raised any objections.

The submitted indicative plans show driveways serving all 3 dwellings. It is unclear how many bedrooms each dwelling would have, however, a maximum of 3no parking spaces would be required for each dwelling and the submitted indicative plans show that there is sufficient space on the site to accommodate these.

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/highway safety.

Drainage and Flood Risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. 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 Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

Large parts of the South Holland district that are near the River Nene lie within Flood Zone 3. As such, the opportunities to undertake the development at an alternative site with a lower flood risk are limited. At this location it is not possible to position the development on higher ground within the proposed site.

The site does have the protection of tidal flood defences which are well maintained by the Environment Agency. The existing property is shown to be located within Flood Zone 3a 'High Probability' as detailed on the Environment Agency's Flood Zone Maps without defences, and as defined in Table 1 of NPPG. The Flood Risk Vulnerability Classification in Table 2 of NPPG states that the proposed development is classified as "More Vulnerable", with Table 1 of NPPG stating that such development is appropriate in this flood zone subject to the Sequential and Exception Test.

The site-specific flood risk assessment demonstrates that the development is safe for its lifetime. The risk of flooding caused by overtopping or breaching of the east bank of the tidal River Nene is at Low risk of flooding. Low risk means that each year this area has a chance of flooding of between 0.1% and 1%. The SFRA predicts that the depth of flooding if a breach occurred during a 1 in 200 year event in 2115 would be between 500mm and 1000mm. However, the more recent maps from the EA indicate the depth of flooding following a similar event would be between 300mm and 1.5 metre. Both the SFRA and the EA maps indicate that there is a low risk of flooding at the present time, a lower risk than the proposed development sites in the Local Plan.

It is recommended that the dwellings are two storey with no bedrooms on the grounds floor and the construction is flood resilient. The raising of the floor levels to 3.70m OD will ensure that the risk of flooding, if there is a serious failure of the IDB drainage system, is extremely low, and is only likely to occur in a greater than 1 in 100 year event.

The development passes the Sequential Test and Exception Test and is therefore suitable for the proposed location.

Policy 4 of the SELLP relates to flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); it incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

South Holland Internal Drainage Board has advised that the applicant has indicated that they intend to dispose of surface water via infiltration (the installation of soakaways to the front and rear of the property), however the viability of the proposed drainage strategy has not been evidenced. It is recommended that the proposed strategy is supported by ground investigation 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 South Holland Internal Drainage Board's byelaws (specifically byelaw 3). The applicant has not indicated how treated foul water from their site will be disposed of. If the applicant wishes to discharge foul water to a watercourse this proposal will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). The applicant should confirm if there are any riparian owned/maintained watercourses within or adjacent to the site boundary. If the proposals do involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4). An informative has been appended to this effect advising the applicant of the drainage boards bylaws.

Given the above and subject to the suggested mitigation measures within the submitted Flood Risk Assessment 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 and drainage.

Waste

No details have been submitted with regards to the storage/collection of waste associated with the proposed dwellings. 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. The replacement dwelling as shown on the indicative block plan would be sited some 30 metres from the highway boundary therefore please refer to the Private Drives - Waste Vehicle Collection Service - Guidance Note.

Other matters

1 letter of objection has been received from a local resident at no.54 Roman Bank siting the following concerns:

The "Existing Residential Curtilage" plan does not show the mature trees that are to the south to the northern hedge line and therefore do not show a true representation of the existing site. The concerns are noted, however, there are a number of trees shown along the southern boundary on the submitted block plan and given this is an outline application it is not considered necessary to request further details at this stage.

There is a mature willow tree in close proximity to the proposed northern drive. Would this tree and the mature silver birch and conifer trees be retained or removed? As this is an outline application with all matters reserved these details have not been provided at this stage.

Query as to whether the existing corrugated workshop shown on the plans would be demolished and if so will the boundary with 54 Roman Bank be reinstated? This is noted, however, as this is an outline application with all matters reserved these details have not been provided at this stage.

Existing boundary lines should be agreed with the residents of 54 Roman Bank before any work is commenced on site if the plans to develop are approved - This is noted, however, boundary disputes are not a planning consideration.

Planning Balance

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

The proposal is in a sustainable location for new housing. It is considered, on balance, that 3no dwellings as indicated on the submitted block plan would not materially harm the character or appearance of the locality, result in flood risk issues nor would the proposal materially harm the amenity of neighbouring residents in terms of lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. LCC Highways have been consulted and have raised no objections on highway safety grounds.

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, 29, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 3, 4, 5, 11, 12, 14 and 16 of 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.