

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-0241-22 **Applicant:** Mr & Mrs J Cooper
Proposal: Residential Development
Location: Adj. Rylton House Mill Lane Sutton Bridge
Terminal Date: 28th April 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
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
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
RESIDENTS	4	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

Outline planning permission is sought for 2no detached dwellings with all matters reserved.

SITE DESCRIPTION

The application site is adjacent to Rylton House on Mill Lane. The site is within the Sutton Bridge settlement boundary. The site is part of the garden of Rylton House. The area of development is approximately 0.16 hectares. The area is manly lawned and is enclosed by trees/hedging along the site boundaries. The immediate area is primarily residential comprising dwellings of various ages, size and designs.

RELEVANT HISTORY

H18-1222-18 -Residential development - Approved

REPRESENTATIONS

LCC Highways/SUDs

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

Sutton Bridge Parish Council

The Parish Council is concerned that due to the required flood mitigation measures required in this area, the height of the building will too high to be in keeping with the street scene and visual amenity will be lost.

Environment Agency

No objections subject to the development being carried out in accordance with the submitted flood risk assessment and mitigation measures.

SHDC

No objection but due to location request a construction management plan.

Environmental Protection

No objections.

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). We note that 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). 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

5no letters of objection have been received siting the following concerns:

- Large Fir Tree on the site blocks sunlight to 11 Nene Meadows
- The Lane is too narrow and two cars cannot pass one another therefore one shared driveway would better than 2 new individual driveways
- The height of the buildings will overshadow the neighbouring bungalows

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 Sutton Bridge Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019 and forms part of the garden for Rylton House therefore the principle of development is accepted in this location.

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.

The Parish Council has raised concerns that due to the required flood mitigation measures required in this area, the height of the building will too high to be in keeping with the street scene and visual amenity will be lost. The concerns are noted, however, this is an outline application with all matters reserved therefore the design element will be considered at the reserved matters stage.

With regards to the layout shown on the submitted indicative plan, this appears to be the same as the previously approved scheme under application reference H18-1222-18 which has now lapsed.

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 2no dwellings could be accommodated in this location without materially harming the character or appearance of the immediate area.

Taking all these factors into account it is considered, on balance, that subject to design and materials a 2no 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.

2no local residents have objected to the scheme on grounds that the development would overshadow the neighbouring properties. The concerns are noted, however, based on the indicative plans the proposed development is not considered to result in any overbearing impact or unacceptable overshadowing.

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 closest neighbour to the proposed development is to the south-west at Thistle Dew. The indicative plans show the proposed dwelling approximately 3 metres from this neighbour's side elevation. The bulk of the proposed dwelling closest to this neighbour would be sit approximately 6.7 metres from the shared boundary with this neighbour. Given the orientation of the property this separation distance appears sufficient as to not result in any overbearing impact or unacceptable overshadowing.

With regards to the neighbours to the rear the proposed dwellings would be sited well away from the rear boundaries, approximately 18 metres based on the indicative plans. This separation distance is considered sufficient as to not result in any unacceptable impact on these neighbours. In addition, there are high level trees along the rear boundary which further reduce any potential impact.

With regards to the existing dwelling on the site at Rylton House the indicative plan shows the dwelling closest to this dwelling sited approximately 8.3 metres from its nearest elevation. This separation distance is considered sufficient as to not result in any overbearing impact or unacceptable overshadowing.

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 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.

A local resident has objected to the scheme on grounds that the Lane is too narrow and two cars cannot pass one another therefore one shared driveway would be better than 2 new individual driveways. The concerns are noted, however the Local Highway Authority has not raised any objections and has advised that the principle of development is acceptable. As this is an outline application with all matters reserved, access and layout will be considered at the reserved matters stage.

The submitted indicative plans show 2no garages and driveways for each dwelling. A maximum of 3no parking spaces would be required for each dwelling and the submitted indicative plans show that there is sufficient space to the front of the dwellings 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 is located within an Internal Drainage Board catchment with a minimum standard of drainage of 2% annual probability (1 in 50 chance each year) which accords with DEFRA guidelines for rural development. The risk of flooding is lowered further due to the South Holland IDB high priority watercourses incorporating a significant freeboard. This provides storage during events greater than 2% annual probability (1 in 50 chance each year).

The maximum breach depth during the 0.5% annual probability (1 in 200 chance each year) tidal event in 2115 is estimated to be 1.2m.

It is proposed that there is no ground floor habitable accommodation and that there is 1.5m of flood resilient construction above ground level. The first floor accommodation will be above the estimated flood level.

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.

Other matters

One resident has asked for confirmation of whether the large Fir Tree on the application site would be removed as it blocks sunlight to their property. As this is an outline application with all matters reserved these details have not been provided at this stage.

Planning Balance

The principle of developing the residential scheme is acceptable at this location as the site is within

the settlement boundary of Sutton Bridge.

The proposal is in a sustainable location for new housing. It is considered, on balance, that 2no 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, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 3, 4, 5, 11, 12 and 14 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.