

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-0367-25 **Applicant:** Mr & Mrs J Cooper
Proposal: Residential Development of 2 dwellings - Outline Approval H18-0241-22
Location: Adjacent To Rylton House Mill Lane Sutton Bridge
Terminal Date: 10th June 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 02 Development Management
- 03 Design of New Development
- 30 Pollution
- 36 Vehicle and Cycle Parking
- APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development

Section 4 - Decision-Making

Section 5 - Delivering a sufficient supply of homes

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places

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	0
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a reserved matters application relating to a residential Development of 2 dwellings approved under outline reference H18-0241-22. The application seeks the following reserved matters to be considered.

- Access
- Appearance
- Landscaping
- Layout
- Scale

The dwellings would be served by an access from Mill Lane, with the rear boundaries of these dwellings abutting the rear boundaries of dwellings fronting Nene Meadows. The landscaping scheme shows that planting is to the front and rear of the plots; these include the planting of mixed hedge and the retention of some trees on site.

The scale of the dwellings is located across 3 floors, with garaging and utility at ground floor level, kitchen, lounge and master bedroom at first floor, and a further 3 bedrooms on the second floor. The proposed plans do not contain detailed information relating to external materials.

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 mainly 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.

The application site benefits from outline planning permission, for a residential development.

History

H18-0241-22 - Residential Development. Approved 26-04-22
H18-1222-18 -Residential development - Approved

Consultation Responses

South Holland IDB

Surface Water

The applicant has indicated that they intend to dispose of surface water via infiltration (soakaways), however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is 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, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3.

Treated Foul Water

I note that the applicant intends to dispose of foul water to 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.

Highways Suds Support

No objection.

The proposal is for Residential development of 2 dwellings - Outline Approval H18-0241-22 and it does not have an impact on the Public Highway or Surface Water Flood Risk. 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 the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Environmental Protection Officer

No comments.

Representations

The application has been advertised in accordance with the Development Management Procedure Order 2015 (as amended). It has been subject to a number of objections, the material points are summarised as:

- The removal of trees will impact on our privacy
- Obstructions from developers/deliveries in Mill Lane will have an extremely negative impact and will be dangerous for us requiring emergency access
- Properties will be blocked/overshadowed
- Drainage concerns

Whilst some of the comments are relevant to this assessment, the drainage is beyond the scope of the consideration this application.

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated December 2024) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents. Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District and must be considered when assessing development proposals.

In this instance, no relevant neighbourhood plans have been adopted. The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Planning Considerations

This application is to address the outstanding reserved matters associated with H18-0241-22, given the nature of this application there is no requirement to revisit matters of planning principle. The application will therefore consider the following topics:

- Access and layout
- Scale, Layout and Appearance
- Landscaping

Access

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework

(December 2024) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".

NPPF Paragraph 115b states *In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.*

SELLP Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

SELLP Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

SELLP Policy 36 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

The proposed access is gained from Mill Lane, where a separate access point would serve each dwelling. Parking provision is located to the fore and the floor plans also show garaging.

Highways have no objection subject to the attachment of informative that that any works would require the formation of a new/amended vehicular access that require approval from the Highway Authority (in accordance with Section 184 of the Highways Act).

In relation to the access the proposal would accord with policies 2, 3 and 36 of the South East Lincolnshire Local Plan as well as NPPF paragraph 115b.

Scale, Layout and Appearance - Character Policy

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan (2019) outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework (December 2024), in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework (December 2024) and require that design which is inappropriate to the local area, or which fails to maximise

opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

Scale, Layout and Appearance - Residential Amenity Policy

Paragraph 135 of the National Planning Policy Framework (December 2024) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Scale, Layout and Appearance - Assessment

NPPF Paragraph 135 points a, b, c, d & f are also relevant, they state (Planning policies and decisions should ensure that developments):

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵¹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The proposal is for two 3-storey dwellings. The dwellings present a gable to the front and rear, both with two storey intersecting side wings that contain garaging on ground and bedroom above. The roof of the dwellings have a shallow pitch resulting in the eaves being very high. Both properties have a gable porch, two garage doors to the front (one to the rear) and a Juliet balcony also at the rear. There is fenestration on 3 number elevations.

There is a broad housing mix along Mill Lane, made up of both single storey and two storey properties as well as chalet style bungalows. There are examples of later 20th Century construction as well as much earlier built properties, and a mix of facing brick styles (some painted) as well as example of rendered properties. Mill Lane itself is a cul-de-sac, on entry there are two bungalow dwellings on the eastern side, one of which abuts this site, to the north is a larger property set in extensive grounds, these grounds make up the application site. Nene Meadows which is located to the east also has a row of bungalow properties, some of which abut the eastern boundary of the application site.

Character and Appearance - Assessment

The scale and massing of these dwellings is at odds with the existing character of the area and would result in two incongruous features, located centrally within Mill Land and abutting bungalow properties to their south and west. Whilst external materials are not made explicit; the scale, mass and general form/appearance of the properties would therefore be at odds with the local character.

On this basis the proposal would not accord with policies 2 and 3 of the South East Lincolnshire Local Plan nor with the guidance contained within paragraph 135 of the National Planning Policy Framework, December 2024.

Residential Amenity - Assessment

Whilst openings may be appropriately located to minimise any visual intrusion (subject to the first-floor side opening being obscure), the scale and massing along with the proximity of 3-storey dwellings, sited next to bungalows would have an overshadowing and overbearing impact on neighbouring amenity. Properties on Nene Meadows would especially be overshadowed in both the rear amenity and rear elevation in the latter parts of the day.

Summary of Scale, Layout and Appearance

The proposal then, by virtue of its scale, massing and appearance would result in giving rise to both character and amenity impacts that are unacceptable. On this basis the detail design is contrary to the aforementioned policies of the South East Lincolnshire Local Plan and National Planning Policy Framework, December 2024.

Landscaping

Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

NPPF Paragraph 135f is also relevant, it states Planning policies and decisions should ensure that developments - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping

The proposed landscaping scheme is considered appropriate and would not look at odds with the other properties along Mill Lane. The applicant proposes an ample mix of new and retained planting.

As regards landscaping the proposal would accord with SELLP Policy 2 as well as NPPF Paragraph 135f.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents inappropriate development within a residential location by virtue of the scale, massing, siting and appearance of the dwellings. The design is fundamentally at odds with the existing residential character.

In this instance then, there are no material considerations that weigh in favour of the proposal and as such, the planning balance is in not support of the development.

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.

Conclusion

Taking into consideration these factors, the proposal is considered to be unacceptable. The proposal would be contrary with Policies 2, and 3 of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2024).

On this basis the proposal is recommended for refusal.