

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H19-0415-19 **Applicant:** Mr Clive Willcoxson
Proposal: Erection of two houses
Location: Rose Cottage South Eau Bank Throckenholt
Terminal Date: 12th June 2019

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
11	Distribution of New Housing
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 8, 9, 11, 12 and 14.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

OTHER STATUTORY BODIES	0	0	0	1
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CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for two houses, with all matters reserved for subsequent approval.

Site Description

The site (some 0.12ha) is located on the northern side of South Eau Bank and is currently garden associated with Rose Cottage. It is set at a lower level than the road with a narrow verge and fencing along the frontage.

Rose Cottage is situated to the west. Land is situated to the east that is occupied by a number of buildings and scrap vehicles (no recent planning history).

Policies/Constraints

The site is within Throckenholt Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019.

Representations

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

North Level Internal Drainage Board - Draw attention to 9 metre byelaw.

Environmental Protection - No objections.

LCC Archaeology - Request conditions.

Material Planning Considerations

The main issues in this case are:

1. The principle of residential development;
2. Character and amenity issues;
3. Highway safety;
4. Other material considerations such as flood risk, drainage and archaeology.

Principle/Sustainability

The site is inside Throckenholt Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Other Service Centres and Settlements, including Throckenholt, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited to Committed Sites and infill.

Character/Appearance and Amenity

The site is situated within an existing frontage. It is considered that two dwellings could be satisfactorily accommodated without materially harming the street scene or the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

Land to the east does not have any recent planning history other than refusal for the siting of a caravan in 1988 (ref. H19-1063-88). Any activity on this site appears to be low key and no representations have been received from its owner.

Highway Safety

The site is at a lower level than the highway so would require inclined driveways. However, LCC Highways has been consulted and does not wish to restrict the grant of permission on highway safety grounds.

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 South Holland SFRA indicates that the site is located within an area identified as "No Hazard". The proposal therefore satisfies the sequential test.

Drainage

This matter can be addressed by means of a condition.

Archaeology

The site is in an area of the fens that was widely settled during the later prehistoric and Roman periods. Extensive cropmarks and nearby pottery finds indicate the presence of prehistoric or Roman activity both north and south of the South Eau Bank and it is likely that previously unrecorded archaeology of a similar nature could exist on this site at the foot of the bank.

LCC Archaeology has therefore recommended that the developer be required to commission an Archaeological Scheme of Works. This can be addressed by means of conditions.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

The site is inside Throckenholt Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019. It is therefore acceptable on policy grounds. The proposal would not materially harm the character/appearance of the area or amenity of nearby residents. LCC Highways has not objected on highway safety grounds.

Recommendation - That the application be approved under delegated powers.