

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H19-0906-23 **Applicant:** Mr R Price
Proposal: Proposed Dwelling
Location: Land Adj. Yonder South Eau Bank Throckenholt
Terminal Date: 31st December 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
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

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
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic 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
NORTH LEVEL	0	0	0	1

INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full application for the erection of a dwelling at land adjacent to Yonder, South Eau Bank. The proposal is for a detached two-bedroom bungalow. The proposal is to be made up of a red facing brick with, 'Marley Mendip' roof tiles.

The application site is located with the Throckenholt development boundary as identified by insert number 64 on the proposals map.

Site Description

The application site is located to the west of Yonder, close to Bank House Farm. The application site is set at a lower topography than South Eau Bank, and access is already on site, this serves Yonder.

A number of outbuildings were located on site, and to the rear (north) are open fields. An exiting access serves the dwelling known as 'Yonder' and this application would utilise that same access egress point.

The application site is located directly south of 'Great Eau Drain' and north of the B1166 (Old South Eau Bank) and fairly described as an infill plot located between other residential dwellings. The site is also located within flood zone 3 in accordance with the Environment Agencies Mapping System. The South East Lincolnshire Local Plan SFRA shows that the area is in a white cell, and therefore at low risk.

History

H19-0147-18 - Erection of detached 4 bed house. Approved 22-05-18

H19-0527-18 - Proposed four-bed two-storey dwelling house. Approved 23-07-18

Consultation Responses

Parish Council

The Parish Council have no concerns with the infill development but would comment that due consideration be given to neighbouring properties in terms of aspect views and sun shading. Also consideration to vehicular safety both exiting this area and road users on the main highway to ensure safe visibility

North Level IDB

No objections

Highways & Suds Support

No objection. The proposed dwelling would share the existing vehicle access crossing that serves

the adjacent dwelling, 'Yonder'. As such there would be no new access onto the public highway, only a negligible increase in the use of the existing access - which the access and South Eau Bank would be able to accommodate. The proposed dwelling includes adequate space for residents' and visitors' vehicle parking and manoeuvring. In view of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application.

Environmental Protection

Land contamination condition to be applied.

Historic Places Team

The site is located within a wider area of prehistoric and Roman archaeological settlement. Cropmarks and pottery finds recorded to the north and south of the south Eau Bank indicate this. It is possible that there are surviving archaeological remains in the ground beneath the bank.

I recommended that the developer should be required to commission an Archaeological Scheme of Works, in line with paragraph 4.8.1 of the Lincolnshire Archaeological Handbook (2019). This should be secured by an appropriate planning condition.

This recommendation is in line with paragraph 205 of the National Planning Policy Framework (NPPF). Initially I envisage that this would involve monitoring of all groundwork's, with the ability to stop and fully record archaeological features

Planning Considerations

Determining Development Proposals (Legislative and Policy Framework)

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, 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 Southeast 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 for the proposal subject to this advice, are detailed above. The policies and provisions set out in the National Planning Policy Framework (updated July 2021) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

The application site is located within the settlement boundary for Throckenholt and represents infill development located to the west of 'Yonder'. Notwithstanding that the application site is within flood zone 2 in accordance with Environment Agency Mapping Systems the site is located within an area of low risk in accordance with the South East Lincolnshire SFRA. The following issues are relevant to this assessment:

- Principle of development
- Character and Appearance
- Amenity
- Flood Risk & Drainage
- Highway Safety
- Ecology
- Historic Environment

Principle of Development

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire until 2036. Policy 1 (Spatial Strategy) expresses the sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least

sustainable location.

Policy 1 identifies Throckenholt as 'Other Service Centres and Settlements' and is an area of development restraint. The policy comments on such areas:

Within the settlement boundaries of the Other Service Centres and Settlements (as shown on the Inset Maps) development will be permitted 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. Development will normally be limited to Committed sites and infill.

The proposal is fairly described as infill development located in between two already established dwellings. The proposed development would therefore accord with the restraints set out by policy 1 'Other Service Centres and Settlements' and is considered acceptable in principle.

Character & Appearance

Policy 2 of the SELLP states 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. 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'.

Policy 3 sets out the 'Design of new development' in part it states 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"

Part 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. It is important that new residential development should be of the highest quality to enhance and reinforce good urban design characteristics. It is generally accepted that good design plays a key role towards sustainable development. Regard must be had towards the impact that the proposed dwelling would have on local character, including topography, street patterns, building lines, boundary treatment and through scale and massing.

Specifically, paragraph 130 of the 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; and 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.

At present the site has a number of dilapidated buildings located on site. The application site is set on a much lower topography than the road and the access slopes into the site. There is a broad housing mix in the area, Yonder to the east is made up of a mix of buff and red facing brick and is two storey, to the west another two storey dwelling is sited, this facing brick is more of a rustic colour in appearance. Further to the east there are examples of single storey dwellings. On the south side of Old South Eau Bank 'country View' is bungalow dwelling, though has installed a box dormer to the principal pitch to create a 1st floor whilst opposite is a single storey dwelling that is finished in a white render.

The proposal is for a two bedroom bungalow, made up of a 'red stock' facing brick, Marley Mendip 'Farmhouse Red' roof tiles. The dwelling would be located approximately 7.5m from Yonder and 7.5m to the brink of the drain to the north. To the front a small lawned area is proposed with central access to the front door. Parking is located on along the western elevation and a private amenity is located to the rear, this is treated with a 1.8m close board timber fence.

It is therefore considered that the proposal would only have a localised impact given its scale and that it is screened by neighbouring two storey dwellings. There are examples of single storey dwellings in the area and so a bungalow on this plot is in keeping with the existing local housing stock. Furthermore, the proposed palette of materials are also sympathetic to the dwellings located close to the application site.

Therefore, given the limited harm that would follow from the erection of the proposal upon the wider open countryside and the sympathetic approach to scale and material it is considered that the

proposal would accord with policies 2 and 3 of the South East Lincolnshire Local Plan as well as section 12 of the National Planning Policy Framework.

Amenity

Policy 2 and 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.

Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

Paragraph 130 of the National Planning Policy Framework (2021) 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.

The proposed dwelling given its scale and separation distance from existing properties would have a limited impact upon overshadowing and overbearing of those dwellings. The only side openings that are proposed are on the western elevation serving the living room and WC. Given their position and separation distance from the dwelling further east the impact from overlooking is also limited. All other openings are located in positions that are unlikely to give rise to harmful impacts in relation to visual intrusion.

The scale of the dwelling and the adequate parking provision would also result in limited impacts by way of noise and disturbance to existing neighbouring properties. Limited information has been provided in relation to the finished floor levels (other than 300mm above contained within the FRA). A condition requiring these to be submitted to and agreed in writing with the LPA will therefore be attached.

The proposal is therefore considered to align with policies 2 and 30 of the South East Lincolnshire Local Plan as well as paragraph 130 of the National Planning Policy Framework.

Flood Risk and Drainage

Policy 4 of the SELLP sets out South Holland's approach to Flood Risk whilst section 14 of the NPPF is concerned with flooding and drainage, as regards national planning policy. The application site is in an area of low risk in flooding terms in accordance with the South East Lincolnshire SFRA and flood zone 1 in respect of environment agency mapping.

The applicant has provided an FRA which includes both sequential and exceptions tests. The applicant states that given the low risk area of the site (in accordance with the hazard and depth mapping for South East Lincolnshire) the sequential test is based on the basis that there are no areas in a less vulnerable flood zone. This is consistent with the approach taken by South Holland officers' in assessing the sequential test.

The applicant also states that surface water will be disposed of through soakaway and foul sewage through package treatment plant. The dwelling is located 7.5m from the brink of the watercourse, this has been amended following request by North Level IDB. IDB Byelaws state that no:

No person without the previous consent of the Board shall erect any building or structure (including a fence), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the landward toe of the bank where there is an embankment or wall or within 9 metres of the top of the batter where there is no embankment or wall, or where the watercourse is enclosed within 9 metres of the enclosing structure.

The structure is now located at a distance that the IDB have expressly requested. Subsequently the IDB have been consulted and have stated that they do not have any objections to the proposed development. Due to this separation distance (from the watercourse) however it is necessary to remove permitted development rights for extensions and outbuildings. This would then allow the IDB to manage the impact by any additional built form located close to the drain.

The drainage strategy which relates to the use of soakaways, is not objected to by the IDB despite limited information on infiltration. Furthermore, building regulations requires certain distances to be

achieved from a dwelling to a soakaway, there is limited space potentially to meet with these requirements. That said any flows directed to the watercourse are conditioned by IDB Byelaws who will govern the discharge rate and connection.

In terms of foul water disposal the applicant proposes a package treatment plant. This is an acceptable solution and the disposal of such waste, if directed to watercourse is given by the OD, if not building regulations would apply. Therefore, there is no requirement for condition relating to either foul or surface water drainage.

A condition will be attached requiring conformity with the resilience measures put forward within the FRA. On that basis the proposal is considered to accord with policy 4 of the South East Lincolnshire SFRA 2019 as well as section 14 of the National Planning Policy Framework

Highway Safety

Policy 2 of The South East Lincolnshire Local Plan 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.

Policy 3 (SELLP) 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.

Section 9 of the National Planning Policy Framework (2021) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2021) 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 would be severe".

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 application site would be accessed through an existing driveway, providing two off-street parking spaces arranged in tandem fashion. The highway authority have been consulted and have no objections to the proposal. The intensification of the access through a single dwelling is limited and unlikely to give rise to a cumulative impact that would jeopardise the safety of existing and future users of the highway. The proposed parking provision also meets with standards set out within the plan.

The proposal is therefore in accordance with policies 2, 3 & 36 of the South East Lincolnshire Local Plan as well as section 9 of the National Planning Policy Framework.

Ecology

Policy 28 is concerned with 'The Natural Environment', the site is located on existing agricultural land and there is a potential for the presence of protected species and so an ecological assessment would be required to accompany any forthcoming submission. Furthermore a duty upon developers to create a net gain for bio-diversity would be required. In conjunction with requirements set out within the Environment Bill, Policy 28 Point 3 is relevant, it states:
Addressing gaps in the ecological network:

a.by ensuring that all development proposals shall provide an overall net gain in biodiversity, by:

- i.protecting the biodiversity value of land, buildings and trees (including veteran trees) minimising the fragmentation of habitats;
- ii.maximising the opportunities for restoration, enhancement and connection of natural habitats and species of principal importance;
- iii.incorporating beneficial biodiversity conservation features on buildings, where appropriate; and maximising opportunities to enhance green infrastructure and ecological corridors, including water space; and
- iv.conserving or enhancing biodiversity or geodiversity conservation features that will provide new habitat and help wildlife to adapt to climate change, and if the development is within a Nature Improvement Area (NIA), contributing to the aims and objectives of the NIA.

The application site is located close to a watercourse, from site visit many of the outbuilding has already been demolished. It is likely that through a condition that would provide habitats for birds then the proposal is likely to result in a net gain for biodiversity. Therefore, a condition requiring nesting boxes to be attached to the dwelling prior to the first occupation will be submitted to and agreed in writing with the LPA.

On this basis the proposal is considered to align with policy 28 of the South East Lincolnshire Local Plan.

The historic Environment

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will expect to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

Local Planning Authorities may require developers to assess the potential impacts of their proposal on archaeological remains in order to reach a decision on a development proposal. Where archaeological impacts are indicated, developers are expected to work with the Local Planning Authority to devise a scheme for mitigating such impacts, which may form part of a planning condition or a planning obligation. Such conditions are designed to ensure that such remains are either preserved in situ or recorded.

The Historic Places Team have been consulted and have stated that there is a requirement for an archaeological related condition that is in line with paragraph 4.8.1. of the Lincolnshire archaeology handbook. The Historic Places Team have stated "The site is located within a wider area of prehistoric and Roman archaeological settlement. Cropmarks and pottery finds recorded to the north and south of the south Eau Bank indicate this. It is possible that there are surviving archaeological remains in the ground beneath the bank."

Therefore, such a condition is considered to be required in order to protect against the harm/loss of potential findings in the area. The condition would meet with the requirements of policy 29 of the South East Lincolnshire Local Plan.

Conditions

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 (as amended) sets out a requirement for LPAs to agree pre-commencement condition with applicants (or by providing a requisite notice period of their attachment. In this instance the applicant has agreed with the pre-commencement conditions that are discussed within this report.

Conclusion

The proposal subject to conditions in order to protect the historic environment, create a net gain for bio-diversity as well as the removal of permitted development rights to protect against unrestricted encroachment to the watercourse is considered acceptable.

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.