

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H19-0967-22	Applicant:	Green Contractors Ltd.
Proposal:	Erection of 4 bed detached dwelling		
Location:	Adj. Rose Cottage South Eau Bank Throckenholt		
Terminal Date:	14th March 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
 Section 4. Decision making.
 Section 5. Delivering a sufficient supply of homes.
 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.

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

IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of a 4-bed detached house.

The site is the westernmost part of an area of land that has previously had outline planning permission for two houses (ref. H19-0415-19).

Site Description

The site is located on the northern side of South Eau Bank and was formerly garden associated with Rose Cottage. It is set at a lower level than the road with a narrow verge. A drain runs along the rear boundary.

Rose Cottage is situated to the west beyond a building plot the subject of outline planning permission ref H19-1265-21. A new house has recently been constructed to the east (ref. H19-0196-21). Land beyond the latter to the east is occupied by buildings and scrap vehicles (no recent planning history).

Planning History

H19-0415-19 - Outline - Erection of two houses - Granted 12 June 2019.

H19-0196-21 - RM - Erection of two storey 3 bed dwelling (outline approval H19-0415-19) - Approved 11 May 2021

H19-0701-21 - Cond comp - Details relating to scheme of archaeological investigation (Condition 8 of H19-0415-19) - Approved 26 July 2021

Plot to West

H19-1265-21 - Outline - Residential Development (erection of house) - Granted 1 February 2022.

Consultation Responses

Sutton St Edmund Parish Council

No response.

LCC Highways/SUDS

No objections subject to informatives.

North Level Internal Drainage Board

No objections in principle. Draw attention to 9 metre byelaw.

LCC Historic Environment Officer

Recommend conditions.

Public

No response received.

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

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 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.

In this case, the proposed development is frontage infill. Moreover, the site has previously had outline planning permission for a dwelling (ref. H19-0415-19). No objections are therefore raised on spatial grounds.

Character/Appearance and Amenity

Policy 2 of the South East Lincolnshire Local Plan, 2019 indicates that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met in relation to, inter alia, size, scale and impact on the amenity, character and appearance of the area. Policy 3 indicates that it should create a sense of space and respect the character of the area within which it is situated. They also 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).

The proposed house would have white rendered walls with red detail brickwork and grey slate roofing tiles, with uPVC windows. The general locality has an eclectic mix of house types and materials. A 3-bed house to the East has been constructed in red brickwork with a Marley Modern smooth grey roof. However, Rose Cottage itself is cream rendered, and a bungalow on the junction of Hall Gate Road has white render. It is considered that the proposed house could be satisfactorily accommodated without materially harming the street scene

Regarding amenity, the new house to the East has a utility door and first floor landing window on its western elevation. The proposed house has secondary lounge and dining room windows on its eastern elevation at ground level and a bathroom window at first floor level. Bedroom windows at the rear would overlook the neighbouring garden at an oblique angle, typical of a normal frontage situation. It is considered that the amenity of nearby residents/occupiers would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the SELLP in terms of these matters.

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.

The site is at a lower level than the highway so would require an inclined driveway, like the plot to the east. There is adequate parking on site for three vehicles. LCC Highways has been consulted and has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety and does not wish to object to this planning application.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the SELLP in terms of highway safety/parking requirements.

Flood Risk/Drainage

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime. The development should also incorporate the use of Sustainable Drainage Systems (SuDS) where possible.

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 consider 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.

In respect of drainage, foul water would be disposed of to a treatment plant. Surface water would be disposed of to a soakaway at the rear which appears to be 9 metres from a drain running along the rear boundary. Separate drainage consent would be required from the North Level Internal Drainage Board if this was not the case.

Archaeology

This 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 should be required to commission an Archaeological Scheme of Works. This can be addressed by means of conditions.

Planning Balance

The site is inside Throckenholt Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019. No objections are therefore raised on spatial 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 and the proposal passes the sequential test in terms of flood risk.

The proposal is in accordance with Policies 1, 2, 3, 4, 28, 30 and 36 of the South East Lincolnshire Local Plan, 2019. There are no matters in this case that outweigh factors in favour of the proposal.

Conclusion

For the reasons outlined above it is recommended that the application be approved.

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.