DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H19-1265-21**	**Applicant:**	**Mr C Willcoxson**
Proposal:	Residential Development - Erection of House		
Location:	Adj. To Rose Cottage South Eau Bank Throckenholt		
Terminal Date:	3rd February 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
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 3. Plan making.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 8. Promoting healthy and safe communities.
Section 9. Promoting sustainable transport.
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.
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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	1	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	1	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for a house, with all matters reserved for subsequent approval. It should be noted that part of the site's frontage falls within the site the subject of outline planning permission ref. H19-0415-19 to the east. The applicant is aware of this fact.

Site Description

The site (some 0.07ha) 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. A house is under construction on the easternmost of the two plots with outline permission to the east and thereafter land occupied by a number of buildings and scrap vehicles (no recent planning history).

Site History

H19-0415-19 - Out - 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

Representations

Sutton St Edmund Parish Council

No comments received.

LCC Highways/SUDS

Does not wish to restrict the grant of permission.

South Holland District Council

No comments.

North Level Internal Drainage Board

Object if within 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

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. No objections are therefore raised on locational 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 site is situated within an existing frontage. It is considered that a house could be satisfactorily accommodated on the plot 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.

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. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage.

The site is at a lower level than the highway so would require inclined driveways similar to the plots to the east. 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

A n amended plan has been submitted indicating that a house could be accommodated without breaching the North Level Internal Drainage Board's 9 metre byelaw. In any case, this is a separate matter. Disposal of foul and surface water drainage 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.

Planning Balance

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.

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 under delegated powers.

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.