DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H21-0504-18**	**Applicant:**	**Mr M Mallett**
Proposal:	Erection of two detached houses		
Location:	Land At Tysdale Farm Common Way Tydd St Mary		
Terminal Date:	30th November 2018		

Planning Policies

Local Plan July 2016:

SG1	General Sustainable Development
SG2	Distribution of Development
SG3	Settlement Hierarchy
SG4	Development in the Countryside
HS7	New Housing in the Open Countryside including Other Rural Settlements
SG12	Sewerage and Development
SG13	Pollution and Contamination
SG14	Design and Layout of New Development
SG15	New Development: Facilities for Road Users, Pedestrians and Cyclists
SG16	Parking Standards in New Development
SG17	Protection of Residential Amenity
SG18	Landscaping of New Development

National Guidance

National Planning Policy Framework 2018

Sections 2, 4, 5, 9, 12, 14, 15, 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1

IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	1	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of two detached houses.

Site Description

The appeal site (some 0.11ha) is situated on the northern side of Common Way and is currently grassland planted with small fruit trees. Mature trees are situated along the frontage.
The site is within Tydd St Mary Conservation Area. Tysdale Manor, a grade II listed building, is situated to the east, separated by a track. A group of farm buildings are situated to the rear of Tysdale Manor, which were granted planning permission for change of use to 2 dwellings (ref. H21-0794-10) in January 2011. A 19th Century roadside terrace of two storey houses is located to the west.

Policies/Constraints

Inside settlement limit as defined within the South East Lincolnshire Local Plan 2011-2036 (Publication Version March 2017).
Within Flood Zone 3 on the Environment Agency Flood Maps. Proposed dwellings in an area of no hazard within the SHDC Strategic Flood Risk Assessment.

Previous Decisions

H21-0137-16 - Full - Proposed new dwelling, Adj. Tysdale Farm - Refused June 2016.

H21-0306-17 - Full - Proposed development (7 dwellings), Adj. Tysdale Farm - Refused June 2016. Dismissed on appeal - The Inspector concluded that the proposed frontage terrace, through its scale and angled positioning close to the site boundaries and driveway, would appear cramped and in conflict with the spacious layout of Tysdale Manor and the neighbouring terrace which is formally positioned directly adjacent to the footway.

Representations

Tydd St Mary Parish Council - Object. The development is in the conservation area, in the vicinity of the Grade 1 Listed Church. Development of this area is not included in the proposed Local Plan and if approved would set a precedent for further development in this location which would affect the "chocolate box" appearance of the centre of the village.

LCC Highways/SUDs - No objections subject to conditions.

Environment Agency - Should be considered under Flood Risk Standing Advice Cell G8.

Historic England - Recommend that you seek the specialist advice of conservation and archaeological advisors.

SHDC Conservation Officer - No objections.

LCC Archaeology - The site is close to the medieval core of Tydd St Mary and close to the Tudor manor house, so there is a high potential for archaeological remains to be disturbed during construction. If the Council is minded to grant consent then it is recommended that the developer be required to commission a scheme of archaeological works so that below ground heritage assets can be recorded prior to their destruction.
Awaiting a response in respect of the latest plans.

Environmental Protection - Due to the agricultural use of the site request the contaminated land condition for this application in order to protect the end user.

Public - Objections/concerns received from local residents (summarised):
Out of character; Do not conform to building line; Harm beautiful character of village and Conservation Area; Overlooking/lack of privacy; Loss of attractive views (trees); Additional vehicles entering and leaving on a busy road close to a bend with parked vehicles on road; Reduced visibility at access, Detrimental to highway safety; Only have pavement on this side which is used by children to get to school/playschool; Loss of wildlife habitat; Would be better set further back; Encourage further applications at rear.

Material Considerations

The main issues in this case are:
- Whether the proposal would represent a sustainable form of development, having regard to social, economic and environmental factors, including the effect of the development upon the character and appearance of Tydd St Mary Conservation Area and the setting of Tysdale Manor.
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk, ecology, contamination and archaeology.

Principle/Sustainability

As indicated in paragraph 47 of the National Planning Policy Framework, 2018, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is located outside a defined settlement limit within the South Holland Local Plan, 2006. Local Plan Policy HS7 states that new housing development in the countryside (including Other Rural Settlements) will only be permitted where it is to meet the needs of agricultural or other rural workers or is small scale rural exception housing that complies with Policy HS9. The dwelling is not required to meet the essential needs of an agricultural or other rural worker, and would not deliver rural exception affordable housing.

However, housing policies within the South Holland Local Plan are out of date and the Authority does not currently have a 5 year supply of deliverable housing land. In accordance with advice within paragraphs 10 and 11 of the Framework, where policies for determining an application are out-of-date, there is a presumption in favour of sustainable development and planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework. The three mutually dependent dimensions to sustainable development are social, economic and environmental.

An Economic Role - the proposal would contribute towards housing supply and future occupants may work locally and support local services and make a contribution to the local economy. There may also be employment opportunities associated with the construction, although this would only be in the short term.

A Social Role - the proposal would make a contribution to the supply of housing required to meet the needs of present and future generations. Also, the site is within the village's built up area and would be accessible to its existing services and facilities. There is a public transport route that runs through the village, although it is infrequent.

Moreover, the site is within the settlement limit as defined in the South East Lincolnshire Local Plan 2011-2036 (Publication Version - March 2017), which defines Tydd St Mary as a "Minor Service Centre".

Environmental - Tydd St Mary Conservation Area is characterised predominantly by traditional buildings of a variety of sizes mainly positioned facing the road, with spaces between them. There is also mature planting in front gardens and between buildings. Properties tend to display traditional architectural details and are finished in complimentary materials. The grade II listed Tysdale Manor is a substantial medieval manor house with period detailing positioned facing and close to the road. It is therefore important that any new building on this frontage respects their contribution and at the very least does not draw attention.

The application was originally for a terrace of 4 houses at an angle to the road. Such development was considered inappropriate, as indicated in the previous appeal decision. The application has now been revised to two detached cottages set back behind the existing frontage trees, but essentially parallel with the road. Greater reference has been made to local vernacular and the dwellings pick up some of the traditional architectural details of the adjacent terrace and other 19th Century properties within the vicinity. Access to the properties would be via an access roadway to the rear. The development is now considered to be sympathetic and would not harm the character/appearance of Tydd St Mary Conservation Area or the setting of Tysdale Manor, which is grade II listed.

Residential Amenity

A row of terraces are situated to the west with fencing on the common boundary. Tysdale Manor is located further to the east beyond a wicker fence. The properties have been designed with secondary windows (ie, bathroom, en-suite and landing windows) on their side elevations at first floor level. Plot 2 is separated from Tysdale Manor by an access roadway. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. Blockage of view is not a material planning consideration.

Highway Safety

Concerns have been raised on visibility and highway safety grounds. However, the County Highways Authority has raised no objections to the proposal.

Other Material Considerations

Flood Risk - The site is within Flood Zone 3 on the Environment Agency Flood Maps. The latter 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 East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The Proposed dwellings are within an area of no hazard within the Strategic Flood Risk Assessment. The proposal therefore satisfies the sequential test. The flood risk assessment accompanying the application recommends no flood risk measures.

Ecology - It is considered that the proposal would not prejudice the existing trees fronting the site, which contribute to the character and appearance of Tydd St Mary Conservation Area. The orchard variety trees that would be removed are not of significant merit. There is no evidence of protected species on site.

Contamination - Environmental Protection has recommended a contaminated land condition due to the agricultural use of the site.

Archaeology - The site is close to the medieval core of Tydd St Mary and close to the Tudor manor house, so there is a high potential for archaeological remains to be disturbed during construction. LCC Archaeology has therefore recommended that the developer be required to commission a scheme of archaeological works so that below ground heritage assets can be recorded prior to their destruction.