

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H21-0557-21	Applicant:	Mr C Thorpe
Proposal:	Outline for single dwelling house		
Location:	Rear Of The Sycamores Main Road Tydd Gote		
Terminal Date:	16th July 2021		

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 2019

Section 2. Achieving sustainable development.
 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	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND	0	0	0	1

INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for a single dwelling house, with all matters reserved for subsequent approval. The application is accompanied by indicative site and elevation/layout plans.

Site Description

The site (approximately 0.1ha) is currently garden land located to the rear of "The Sycamores" (house) and is accessed off the A1101. Tree planting presently exists along its perimeter.

Garden land associated with "New Bungalow" is located to the south and land associated with No. 7 Station Road to the east. Agricultural land is situated to the north and the A1101 to the west, with "Westfield" beyond.

The site is located outside Tydd Gote Conservation Area.

History

No recent history.

Consultation Responses

Tydd St Mary Parish Council

Supported.

LCC Highways

Does not wish to restrict the grant of permission.

SHIDB

We note that the applicant intends to dispose of surface water via infiltration, however we cannot see that the viability of the proposed drainage strategy has been evidenced. The proposed strategy should be supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

No comments or objections.

Planning Considerations

The main issues in this case are:

- Principle/sustainability;
- The likely impact upon the amenity of nearby residents;

- Highway safety;
- Other material considerations such as flood risk and drainage.

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 proposed development is inside Tydd Gote Settlement Limit as defined within the South East Lincolnshire Local Plan, 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Other Service Centres, including Tydd Gote, 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.

"The Sycamores" is located on the northern fringe of the settlement. Agricultural land is located beyond its tree lined northern boundary and the character changes to open countryside at this point. The site is within the village fabric and a backland dwelling is located to the east set back from Station Road. Taking the character of the immediate area into account it is considered that the erection of a single dwelling would be difficult to resist on grounds that it would have a harmful effect upon the rural locality.

The proposal therefore generally accords with Policies 1 and 2 of the SELLP

Amenity

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) 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 (2019). Paragraph 127, amongst other matters, seeks places with a high standard of amenity for existing and future users.

Garden land associated with "New Bungalow" is located to the south and land associated with No. 7 Station Road to the east. Agricultural land is situated to the north and the A1101 to the west, with "Westfield" beyond. No resident objections have been received. It is considered that a single dwelling could be accommodated upon the site without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. This is subject to satisfactory boundary treatment/screening.

The proposal therefore satisfactorily accords with Policies 2 and 3 of the SELLP in terms of amenity.

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 indicative plan shows the site served by a single access point. There would be sufficient room for parking and vehicular turning. LCC Highways does not wish to restrict the grant of permission on highway safety grounds. This is subject to an informative making the applicant aware of the requirements for access, parking, visibility, turning and layout; as detailed within the Lincolnshire County Council Design Approach and Development Road Specification.

The proposal therefore satisfactorily accords with Policies 2, 3 and 36 of the SELLP in terms of highway safety/parking requirements.

Other Material Considerations

Flood Risk - The site is within Flood Zone 1 on the Environment Agency Maps. The hazard mapping within the South East Lincolnshire SFRA shows the site to be unaffected if a breach of the flood defence were to occur. The proposal therefore passes the sequential test.

Drainage - This matter could be addressed by means of a condition(s) if outline permission was

forthcoming.

Planning Balance

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 proposed development is inside Tydd Gote Settlement Limit as defined within the South East Lincolnshire Local Plan, 2019 and is considered to be a suitable site for a single dwelling with particular regards to the principles of sustainable development and the protection of the rural character of the locality. It is considered acceptable on amenity and highway safety grounds and satisfies the sequential test concerning flood risk.

The proposal therefore generally complies with the aims and objectives of Policies 1, 2, 3, 4, 28, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2019. There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

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.

Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.