DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H21-0785-24**	**Applicant:**	**J Hallifax & K Fathers**
Proposal:	Erection of two dwellings on former farm/depot yard		
Location:	Rectory Farm Rectory Road Tydd St Mary		
Terminal Date:	28th February 2025		

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
11	Distribution of New Housing
17	Providing a Mix of Housing
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 December 2024

National Planning Policy Framework (December 2024)

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering and sufficient supply of homes
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
Section 16 - Conserving and enhancing the historic environment

National Guidance

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 INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal seeks full planning permission for the erection of two dwellings. Plot 1 comprises a two-storey four-bedroom dwelling, with an integrated garage. Plot 2 comprises a two-storey four-bedroom dwelling, however, a detached garage is proposed to the east of the dwelling rather than an integrated garage.

There is an existing building located towards the rear of the site which is proposed to be demolished to facilitate the proposed development. The building is not listed.

Site Description

The application site comprises land to the north-east of Rectory Road, within the settlement boundary of Tydd St Mary. The site is located within the Tydd St Mary Conservation Area. There are various residential dwellings located around the site, including various detached dwellings along Rectory Road and terraced properties to the north-west along Thorpe Close.

Planning History

H21-1394-88: (Outline) Proposed 4 no. building plots - approved 11 January 1989

H11-1862-88: (Outline) Dwelling and garage with haulage yard' - approved 12 October 1989

H21-0477-91: Modification of condition 5 (estate road to' private drive) re. 4 building plots H21/1394/88' - approved 24 July 1991

Consultation Responses

The responses received from consultees during the consultation period are summarised below. The responses can be viewed in their entirety on South Holland District Council's website.

Tydd St Mary Parish Council: This response has been made using the clerk's delegated powers (as per Councils policy) and the council has not met. Council has no objections to this application

North Level Internal Drainage Board: No objections.

Historic Environment Officer: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this

application.

Highways and SUDS Support: The access is acceptable and wide enough to allow two vehicles to pass one another. There are footway connections to the site. There is sufficient space on site for parking for the size of dwellings in addition to space to turn so vehicles can enter and leave in a forward gear. The proposal will be a reduction in vehicle movements to those vehicle movements that could be generated with the existing use of a farm/depot yard. The proposal will not have an adverse impact on the public highway or surface water flood risk.

Conservation Officer: The overall design principle of the development appears to be acceptable, utilising relatively attractive and traditional design details. However, given the conservation area setting, the proposed materials - particularly in the proposed use of concrete roof tiles in Plot 1 and UPVC fenestration and rainwater goods throughout are not acceptable, and contrast with the requirements set forth under Policy 29 (B.3) of the SELLP. I would therefore suggest that the applicant be required to amend the proposal to feature materials more commensurate to the historic environment within which it is set (i.e slate / clay roof tiles, timber fenestration and black metal rainwater goods)

Environmental Protection: I request a standard land contamination condition be applied at this location

Ecology Officer: No response received.

Cllr A C Tennant: No response received.

Cllr J Tyrell: No response received.

Cllr D J Wilkinson: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

-Principle of Development;
-Visual and Heritage Impact;
-Impact on Amenity;
-Highway Safety and Parking;
-Flood Risk; and
-Biodiversity.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 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.

The site is within the defined settlement of Tydd St Mary which is a Minor Service Centre. Policy 1 sets out that within Minor Service Centres, 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 Allocated and Committed sites and infill.

The proposed development for two dwellings is an appropriate scale for a Minor Service Centre and would be considered as an infill site. The addition of two dwellings could help sustain existing facilities within Tydd St Mary. The principle of development is therefore acceptable subject to an assessment of the proposals in terms of other relevant criteria, as set out below.

Visual and Heritage Impact

Paragraph 135 of the NPPF states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.

Policy 2 of the Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the NPPF, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

As the site is within a Conservation Area and there is a building of local heritage to the east of the site, section 16 of the NPPF is also relevant as this section relates to the assessment of applications where heritage assets are involved. Policy 29 of the Local Plan is also relevant as this policy relates to heritage assets within South Holland. Policy 29 (Part B) sets out that proposals affecting a Conservation Area should preserve and enhance or reinforce features that contribute positively to the area's character, appearance and setting.

The application seeks consent for two detached dwellings. The dwellings are referred to as Plot 1 and Plot 2 within the submitted plans. Plot 1 is positioned within the south-western position of the site, and Plot 2 is positioned within the north-eastern portion of the site. Both dwellings are set back from the road frontage. Nearby dwellings feature various layouts and as such there is no strict uniformity in terms of existing plot layouts. There are various residential dwellings located around the site including various detached dwellings along Rectory Road and terraced properties to the north-west along Thorpe Close. The proposed layout for the site is therefore considered to be in keeping with the character of the area.

Plot 1 comprises a two-storey dwelling with an integrated garage. The submitted plans show four bedrooms and there is ample internal and external living space for any future occupants. The proposed dwelling features gable end roof forms. The tallest part of the ridgeline of the dwelling measures approximately 9.2m. The dwelling is divided into three sections which gradually decrease in height. The scale and positioning of the dwelling is acceptable.

Plot 2 comprises a two-storey dwelling with a two-storey rear extension. A detached garage is also proposed. Both buildings feature gable end roof forms. The dwelling measures approximately 9.4m

at its tallest point. The ridgeline of the garage measures 5.7m in height. The scale and positioning of the dwelling and garage is also acceptable.

The council's conservation officer has set out that the overall design principle of the development is acceptable, utilising relatively attractive and traditional design details. The officer has however raised concerns with the proposed materials that are set out within the submitted application form. The proposed materials include concrete roof tiles and UPVC fenestration and rainwater goods. The officer has therefore requested that more appropriate materials are included which would be commensurate to the historic environment within which it is set. For example slate / clay roof tiles, timber fenestration and black metal rainwater goods. The applicant has been made aware of this requirement, and the proposed materials have therefore not yet been approved. A planning condition is therefore included to secure further details of the proposed materials.

The visual and heritage impact of the proposed development is acceptable. The proposed development would therefore not cause an adverse impact to the character or appearance of the area or the Conservation Area, and would therefore accord with Policies 2, 3 and 29 of the Local Plan, and Sections 12 and 16 of the NPPF.

Impact on Amenity

Paragraph 135 of the NPPF 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.

Policies 2 and 3 of Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Both dwellings are set back from the road frontage along Rectory Road. The nearest dwellings around the site include The Old Rectory (to the east), The Old Coach House (to the north), Codlin Cottage (to the west), and Rectory Farm and The Glebe (to the south). The relationship between the proposed dwellings and existing dwellings is assessed below.

The rear elevation of Plot 1 is approximately 14m from the site boundary. This boundary is shared with Codlin Cottage which is located to the south-east of the site. Codlin Cottage features an extensive garden area, and there would a suitable separation distance between the rear elevation of Plot 1 and the garden of Codlin Cottage. Plot 1 also would not face directly onto Codlin Cottage. As such, Plot 1 would not result in an unacceptable degree of overlooking. Similarly, Plot 1 would not face directly onto The Glebe, which is a residential dwelling located to the south of the site. Furthermore, there are no windows on the northern side elevation. This therefore reduces the potential for overlooking with The Old Coach House to the north.

There is approximately 18m between the front elevation of Plot 1 and the side elevation of Plot 2. The windows on the side elevation of Plot 2 connect to an entrance hallway and a landing area. As such, these rooms are not habitable rooms, and this reduces the potential for an unacceptable degree of overlooking between the dwellings.

There is approximately 23m between the front elevation of Plot 2 and the side elevation of The Glebe. This is considered to be a suitable separation distance to prevent an unacceptable degree of overlooking.

There is approximately 6.8m between the rear elevation of Plot 2 and the edge of the site boundary, beyond which is the garden area of The Old Coach House which is a dwelling located to the north of the site. The Old Coach House features a relatively large amenity space area and Plot 2 would not result in an unacceptable degree of overlooking with the property.

Lastly, the proposed dwellings would not result in an unacceptable degree of overshadowing of each other or neighbouring dwellings.

As detailed above, the proposed development would not result in an unacceptable impact on the residential amenity of neighbouring dwellings or future occupants. As such, the proposal is considered to accord with the provisions of the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Paragraph 116 of the NPPF sets out 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, following mitigation.

Policy 2 of the Local Plan sets out 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 sets out 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.

Policy 36 and Appendix 6 of the Local Plan, set out minimum vehicle parking standards. The standards require at least two spaces for dwellings of up to three bedrooms, and three spaces for dwellings with four or more bedrooms.

As set out previously, Plot 1 features an integrated garage and plot 2 features a detached garage. Both dwellings also feature a front driveway area. There is sufficient room for parking and turning within the site. Lincolnshire County Council's highways and sustainable drainage team have set out that the proposal is not expected to have an adverse impact on the public highway or surface water flood risk. No conditions have been recommended by the highways team. The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the NPPF.

Flood Risk

Section 14 of the NPPF sets out guidance relating to how local authorities should assess and determine applications which are subject to flood risk concerns.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the Local Plan allows for certain types of development within Flood Zones 2 and 3 in instances where specific criteria is met.

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. As the site lies within Flood Zone 3 and would comprise a more vulnerable use, the proposed development is required to pass the sequential and exception tests. The application is accompanied by a Flood Risk Assessment (FRA), which contains sections relating to how the applicant considers that the proposed development passes the sequential and exception tests.

The NPPF requires the application of a sequential test to ensure that new development is in areas with the lowest probability of flooding. It is acknowledged that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test. Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. It is not considered that there are any site-specific reasons as to why the proposed two dwellings need to be located within Tydd St Mary as opposed to another settlement. The submitted FRA does not contain a site search exercise to demonstrate if other sites have been considered and discounted. Notwithstanding this, it is recognised that the vast majority of the council area is within Flood Zone 3 and there are limited opportunities for new housing within lower risk flood areas. It is therefore considered that the sequential test is passed.

In terms of the exceptions test, Paragraph 178 of the NPPF requires the following to be demonstrated:

"a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

The submitted FRA sets out that although the site is within Flood Zone 3, there is no predicted risk of flooding to the site from the River Nene in a 1 in 1000 year event in 2115. The site is not within an area with a hazard rating as identified within the SFRA. The submitted FRA sets out recommended

flood risk mitigation for the proposed dwellings. This mitigation includes the recommendation that the finished floor level of the dwellings should be set at least 300mm above the existing ground level on the southern part of the site and 300mm above the level of Rectory Road at the entrance to the site. It is therefore considered that the exception test is passed. It is therefore considered that the proposed development accords with Policy 4 of the Local Plan and the intentions of the NPPF in terms of flood risk.

Biodiversity

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 set out that sites of biodiversity value should be protected. Paragraph 187(d) for instance sets out that planning decisions should provide net gains for biodiversity.

Policies 28 and 31 of the Local Plan ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place. Policy 28 also requires proposals to provide a net gain in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) introduced the requirement for applications to establish a 10% Biodiversity Net Gain (BNG), demonstrated through standard units. Exemptions to this are outlined within The Biodiversity Gain Requirements (Exemptions) Regulations 2024. Section 8 of the Regulations outlines the following:

"The biodiversity gain planning condition does not apply in relation to planning permission for development which:
(a) consists of no more than 9 dwellings;
(b) is carried out on a site which has an area no larger than 0.5 hectares; and
(c) consists exclusively of dwellings which are self-build or custom housebuilding"

The submission sets out that the proposed dwellings are self-build as the applicants have had an input into the design of the dwellings and the applicants intend to live within the dwellings. The local authority agrees with this based on the submitted information. A legal agreement has been prepared to support the application to ensure the dwellings will be constructed as self-build dwellings. As such, the development is exempt from the requirement to provide BNG. The proposed development is therefore acceptable in terms of biodiversity. The proposal would therefore accord with Policies 28 and 31 of the Local Plan and Section 15 of the NPPF.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The proposed development represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, the Conservation Area within which it is located, or the amenity of nearby residents. The proposed development therefore accords with the Local Plan and the NPPF. In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

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

Taking the above considerations into account, the proposed development would accord with Policies 1, 2, 3, 4, 28, 29 and 36 (including Appendix 6) of the Local Plan, along with the identified sections contained within the NPPF. There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.