DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H21-1105-19**	**Applicant:**	**Mr M Mallett**
Proposal:	Erection of 3 dwellings		
Location:	Land At Tysdale Farm Common Way Tydd St Mary		
Terminal Date:	9th January 2020		

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
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 2019

Sections 2, 3, 4, 5, 9, 11, 12, 14, 15 and 16

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
SHDC INTERNAL	0	0	0	1

OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	2	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for 3 no. detached houses served off a private roadway on land at Tysdale Farm, Common Way, Tydd St Mary.

Site Description

The site forms part of an area of grassland/orchard between a row of frontage terraced dwellings to the south-west and the grade II listed Tysdale Manor to the south-east. A group of farm buildings which have previously been granted planning permission for change of use to 2 dwellings (ref. H21-0794-10) are located to the east. Planning permission has recently been granted for two detached houses along the frontage behind a row of mature trees (ref. H21-0504-18).

The site is within Tydd St Mary Conservation Area (CA).

Recent History

H21-0137-16 - Full - proposed new dwelling - Refused 2 June 2016.

H21-0306-17 - Full - Proposed development (7 dwellings), rear and adjacent Tysdale Farm, Common Way, Tydd St Mary - Refused 30 May 2017.

H21-0504-18 - Full - Erection of two detached houses - Granted 30 November 2018.

Consultation Responses

LCC Highway/SUDS - Does not wish to restrict the grant of permission.

SHDC Environmental Protection - Request contaminated land condition.

LCC Archaeology - Request conditions.

Public - Resident objection received(summarised):
Harm character/appearance of conservation area and setting of listed building; cramped; extra traffic; detrimental to highway safety; noise/disturbance.

Planning Considerations

The main issues are:
- Principle;
- The effect of the proposed development on the character and appearance of the area bearing in mind it would be within the Tydd St Mary Conservation Area and within the setting of the grade II listed Tysdale Manor;
- Amenity;
- Highway safety;
- Other material considerations such as ecology and flood risk.

Principle

As indicated in paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposed development is inside Tydd St Mary Settlement Boundary as defined within the South East Lincolnshire Local Plan, 2019. Policy 1 (Spatial Strategy) of the Local Plan indicates that within Minor Service Centres, including Tydd St Mary, 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 allocated and committed sites and infill. In this case the site is not allocated or frontage infill.

Character/Appearance

The site is within Tydd St Mary Conservation Area. It also adjoins Tysdale Manor, which is a grade II listed building.

In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, section 66(1) of the same Act requires that special regard must be had to the desirability of preserving the setting of listed buildings. Moreover, paragraph 193 of the National Planning Policy Framework (2019) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The Conservation Area (CA) is characterised 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 the buildings. The properties predominantly display traditional architectural details and are finished in complementary materials. The grade II listed Tysdale Manor is a substantial hall house with traditional architectural detailing positioned facing and close to the road.

It is therefore considered that the area has a traditional and verdant character and appearance. The significance of the CA and the listed buildings within it is derived from the architectural quality of the varied buildings which are spaciously arranged along road frontages.

The proposal would involve the erection of three large detached properties at the rear of two detached frontage houses approved by virtue of planning permission ref. H21-0504-18. They are also closely spaced. It is acknowledged that the design of the properties is loosely based on either a 19th century manor/farm house or 19th century converted barn. However, they would be three large properties some distance from Common Way. They would therefore be at odds with the prevailing frontage pattern of development in the area.

For these reasons it is considered that the proposal would appear cramped and at odds with the spacious and frontage pattern of development in the area. Thus, it would harm the significance of the CA and fail to preserve its character or appearance. For the same reasons it would also harm the setting and significance of the grade II listed Tysdale Manor. Thus, the proposal would be contrary to the provisions of the respective sections of the Act and would fail to accord with paragraph 193 of the Framework, which attaches great weight to the conservation of designated heritage assets. It would also be in conflict with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 which among other things seeks to achieve good design and ensure that new development reflects the historic pattern of development in the locality.

In the context of the significance of the heritage assets as a whole, the harm arising from the proposed development, in accordance with paragraph 196 of the Framework, is considered to be less than substantial. In these circumstances, the Framework requires the degree of harm to be balanced against any public benefits the development may bring.

Whilst it is accepted that there would be some public benefits, such as the provision of additional housing within the village, they are considered to be modest, and do not outweigh the harm to the designated heritage assets.

Amenity

The nearest residential properties include the two frontage houses presently under construction to

the south and No. 1 Common Way, which forms part of a terrace to the south-west. Proposed Unit 7 has a blank elevation facing west. Overlooking of neighbouring property would be oblique or at a distance. It is considered that neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

Highway Safety

The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds.

Flood Risk

The site falls within Flood Zone 3 (High Probability) within the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

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 East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test

Part of the site has been identified as "Danger for Some" within the Strategic Flood Risk Assessment, which takes into account existing flood defences. There are alternative allocated sites within the district that are appropriate for the proposed development that are available, more sustainable and/or are located in areas with a lower risk of flooding. The proposal therefore fails to satisfy the sequential test.

Moreover, the proposal fails the exceptions test because the proposal would not provide wider sustainability benefits to the community that outweigh flood risk. The proposal therefore conflicts with advice within paragraphs 155 to 161 of the National Planning Policy Framework, 2019.

Archaeology

LCC Archaeology has indicated that the site is close to the heart of medieval Tydd St Mary. It has therefore requested that a scheme of archaeological works be carried out if permission was forthcoming.

Conclusion

For the reasons given above, the proposal would not accord with the development plan and advice within the Framework. It is therefore considered that the application should be refused.

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.