DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-0133-22**	**Applicant:**	**Mr A Hay**
Proposal:	Residential Development - Erection of Dwelling		
Location:	Adj. Birchwood Dawsmere Road Gedney Drove End		
Terminal Date:	5th April 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
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 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 5. Delivering a 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.

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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a 2-bed house with habitable accommodation (lounge, kitchen, bedrooms, etc) on the first floor.

Site Description

The site is located within a row of bungalows on the northern side of Dawsmere Road between Birchwood and No. 5 Dawsmere. It is currently grassed. Agricultural land is located to the rear (north) and the new Sea Bank approximately 930 metres to the north.

Recent Planning History

None.

Consultation Responses

Gedney Parish Council

The site is inside the Gedney Drove End Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. However, the proposal would constitute a cramped and inappropriate form of development that would be out of character with the area. Further it is considered that a two-storey dwelling close to the boundary with the adjacent bungalows at no's 5 and Ashwood would be overbearing and result in unacceptable overshadowing.

The proposal is therefore contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019. Council considers that the foundations for the proposed building would be deeper than those of the neighbouring bungalow at No 5 which is less than 3m away.

LCC Highway/SUDs

No objections subject to informatives.

South Holland Internal Drainage Board

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).

Environment Agency

Request conditions.

Environmental Protection

No comments or objections.

Public

Objections received (summarised):
- Overdevelopment of plot/cramped
- Within row of single storey properties. Scale, design, appearance, materials and height out of character/keeping
- Overbearing
- Overshadowing/blockage of light
- Overlooking/lack of privacy
- Flooding issues. Originally a drain/ditch that was filled in many years ago
- Detract from applicable conservation requirements of the area
- Set an undesirable precedent
- Undermine foundations

Planning Considerations

The main issues are:
- Principle;
- Character and appearance of the area;
- The development's likely effect upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk and drainage.

Principle

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 Gedney Drove End Settlement Limit as defined within the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the Local Plan indicates that within Other Service Centres, including Gedney Drove End, 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 proposal would help sustain the existing settlement and constitutes frontage infilling within the fabric of the village. The proposal is therefore satisfactory in locational terms and in accordance with Policy 1 of the SELLP.

Character/Appearance

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

The proposed dwelling is two storey with an integral garage. Its living accommodation is on the first floor. It is contemporary as opposed to traditional in terms of design. The exterior would be a combination of white render and vertical woodgrain wall cladding (stone grey). The roof would be Kingspan Insulated Composite Panels (dark grey). The fenestration would be aluminium (colour anthracite).

The site only has a width of some 7.5 metres and is located within a row of single storey properties on relatively wide plots in a rural location on the fringe of the settlement. Taking into account the existing character of this part of the village it is considered that the proposal would constitute a

cramped and incongruous form of development that would materially harm the street scene and character/appearance of the rural locality. As a consequence, the proposal would not be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as advice within the Framework.

Amenity

Policies 2 and 3 of the 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 (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The site is located between two bungalows (Birchwood and No. 5 Dawsmere). The proposed house is only approximately 950mm from the boundary with the former and 400mm from the latter. Whilst it is accepted that there would be some overlooking of neighbouring property from the first floor lounge it would mainly be oblique and over the rear garden areas. As such, it is not considered to be material. However, it would be positioned further forward than Birchwood and would be two storey, with a blank wall on its western elevation. As such, it would overshadow and have an overbearing effect upon the latter.

The proposal is not therefore in compliance with Policies 2 and 3 of the South East Lincolnshire Local Plan in this respect.

It is accepted that there would be some additional noise and general disturbance generated by additional vehicles and general activity, etc, as well as constructional traffic/work. However, this would not be significant, and the latter would only be temporary.

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 proposal is for a 2 bed house. There would be sufficient space for the parking of at least 2 vehicles. LCC Highways has been consulted and has concluded that the proposal would not cause an unacceptable impact on highway safety.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan in terms of highway safety/parking requirements.

Flood Risk/Drainage

Policy 4 of SELLP is concerned with flood risk management and states, inter alia, that new development should pass the sequential test and should incorporate the use of Sustainable Drainage Systems (SuDS), unless it is demonstrated that it is not technically feasible.

The site is located within Flood Zone 3 of the Environment Agency's 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. However, the maps are broad brush and do not take into account any flood defences. 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 SFRA indicates that the site is within an area identified as "Danger for All". Moreover, the development is not considered to be sustainable on environmental grounds. It is considered that the proposal would not provide wider sustainability benefits to the community that outweigh flood risk by virtue of the character and amenity impacts identified. The proposal is therefore contrary to Policies 2 and 4 of the SELLP and advice within paragraphs 161-163 of the National Planning Policy Framework, 2021.

Foul water would be disposed of via a private treatment plant. Surface water would be disposed of via soakaways. This arrangement would manage sustainably the surface water runoff coming from

the proposed development. No evidence of poor soil permeability is known in the locality. In any case, the suitability of a soakaway would be tested and subsequently approved at a later stage by SHDC Building Control if permission was forthcoming.

Ecology

Policy 3 of the SELLP indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 indicates that all development should provide an overall gain in biodiversity. The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure.

Planting would be undertaken at the rear, but would be restricted to a single tree because of the size of the plot. A condition should be imposed on any permission requiring bio-diversity measures.

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 site is within Gedney Drove End Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019 and the proposal would provide additional housing within the district. However, it is considered that the proposal would constitute a cramped and incongruous form of development that would materially harm the street scene and character/appearance of the rural locality, as well as the amenity of neighbouring residents in terms of overshadowing and general overbearing effect. The proposal therefore conflicts with Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework, 2021. Furthermore, it is not acceptable in flood risk terms and would be contrary to Policy 4 of the Local Plan and national guidance on flood risk

Conclusion

For the reasons outlined above the planning balance is not in favour of the scheme.

Recommendation

That the application be refused 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.