

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0134-22 **Applicant:** Mr A Hay
Proposal: Residential Development - Erection of Dwelling
Location: Adj. Park View 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	0	0	0	1
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	1	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 currently grassed and is served by an existing access. A Nissen type hut is located to the north-west, plus Lime House and Gedney Drove End Village Hall beyond. Bungalows are situated to the south-east (Park View) and also to the south (Nuziders) on the opposite side of Dawsmere Road. Agricultural land is located to the rear and the new Sea Bank approximately 1km to the east/north-east.

Recent Planning History

H06-0271-98 - Outline - Erection of two residential dwellings - Granted 5 May 1998.

Consultation Responses

Gedney Parish Council

Following the amendments to this application Council remove the objection on overshadowing. However they do still request the materials are more in keeping with the surrounding properties.

LCC Highway/SUDs

No objections subject to conditions/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):

- Not in keeping because not brick built;
- Overshadowing;
- Overlooking/lack of privacy.

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.

A brick agricultural building with a semi-circular roof is situated immediately to the north-west and a late 19th/early 20th century red brick house (Lime House) beyond. Two contemporary bungalows constructed in an orange/buff brickwork are situated to the south-east. A modern red brick bungalow is located to the south on the opposite side of Dawsmere Road.

The proposed dwelling is two storey with an integral garage and living accommodation 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). However, existing development within the vicinity of the site is an eclectic mix in terms of type, period and materials. Taking this into consideration it is considered that it would not materially harm the existing character or appearance of this part of the village.

Thus, the proposal satisfactorily accords 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.

A Nissen type hut is located to the north-west, plus Lime House and Gedney Drove End Village Hall beyond. Bungalows are situated to the south-east (Park View) and also to the south (Nuziders) on the opposite side of Dawsmere Road. Agricultural land is located to the rear and the new Sea Bank approximately 1km to the east/north-east.

The proposed house is approximately 29 metres from Lime House and 8 metres from Park View. It has an obscure glazed shower room window on its north-western elevation at first floor level and no openings on its south-eastern elevation facing Park View. The principle openings are at the front and rear, including a Juliet balcony serving the lounge at the rear (no external balcony). It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, etc, subject to appropriate boundary screening.

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.

The proposal therefore generally accords with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan in this respect.

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 on 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 Holland 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". However, it is not possible, consistent with wider sustainability objectives, for the development to be located elsewhere within Gedney Drove End with a lower probability of flooding. The exceptions test should therefore be applied. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The NPPF and the PPG set out two elements to the Exceptions Test.

First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, consideration of the wider sustainability issues draws on the criteria for assessing the effects of the South East Lincolnshire Local Plan Documents (defined in the Sustainability Appraisal Scoping Report). This document provides the most localised criteria for considering wider sustainability issues within South East Lincolnshire. The site is within Gedney Drove End Settlement Limit as defined within the South East Lincolnshire Local Plan 2019. Limited infill development is needed in this area to help sustain the existing community. The proposal scores positively against the aims and objectives of the Local Planning Authority's sustainability appraisal and would provide wider sustainability benefits to the community that outweigh flood risk. This includes the provision of additional sustainable housing to meet the needs of the settlement, as required by the National Planning Policy Framework.

Concerning the second element, the SHDC Strategic Flood Risk Assessment Hazard Mapping shows that flood depths of greater than 1.6m impact on the application site when considering the 2115 0.5% breach scenario. On this basis, the Environment Agency has recommended that the dwelling must be a minimum of two-storey with no ground floor habitable accommodation.

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. In doing so, the design of the development is appropriately resilient to the effects of flood risk and overall climate change indicated within Policy 4 of SELLP. No evidence of poor soil permeability is known in the locality. In any case, the suitability of a soakaway will be tested and subsequently approved at a later stage by SHDC Building Control.

The proposal is therefore in accordance with Policies 4 and 30 of the SELLP and advice within the National Planning Policy Framework, 2021 in this respect.

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.

Additional tree planting is proposed at the rear. 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. Although the proposal is of non-traditional design it would not materially harm the character/appearance of the locality given the eclectic mix of existing properties.

The design of the property and general relationship to neighbouring development is such 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, subject to appropriate boundary screening.

LCC Highways has raised no objections to the scheme on highway safety grounds and flood risk can be mitigated by means of a condition.

The proposal satisfactorily complies with 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, 2021. There are no significant factors in this case that indicate against the development and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

For the reasons outlined above the planning balance lies in favour of the proposal.

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.

Recommendation

That the application be approved under delegated powers.