

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0254-22 **Applicant:** Mr G Baxter

Proposal: Demolition of bungalow and erection of replacement 3 bed bungalow with associated garage with hard and soft landscaping - re-submission of H06-1264-21

Location: Field Bungalow Blazegate Gedney

Terminal Date: 3rd May 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
29	The Historic 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 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.

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
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for demolition of an existing bungalow and erection of a replacement 3 bed bungalow with associated garage. All matters are reserved for subsequent approval. The application is accompanied by indicative drawings.

Site Description

The site is located on the southern side of Blazegate, Gedney and is currently occupied by a vacant timber clad bungalow.

A domestic barn associated with Granite House (grade II listed) is located to the west, which has planning permission for conversion to a pair of semi-detached dwellings (ref. H06-0189-20). A Kingdom Hall is located to the south-east and Gedney Water Tower to the north-east on the opposite side of Blazegate.

Consultation Responses

Gedney Parish Council

Council prefers the proposal for one bungalow; however, do still have concerns over flood risk.

LCC Highways

Does not wish to restrict the grant of permission.

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

This proposal comes under cell F8 of the local flood risk standing advice and does not meet any other criteria on our consultation checklist.

SHDC Conservation Officer (ref. H06-1264-21)

As a timber-framed rural structure of both a historic and rare nature, it is certainly regrettable that the structure should be lost. However, such buildings were never intended to be permanent features and so it is understandable that it should make way for more suitable accommodation.

I wish to echo the comments of my colleague at the County Council and request that prior to demolition of the extant structure, the applicant be obligated to undertake a full building recording for submission to the LCC HER, so that this interesting structure may be recorded for future reference.

LCC Historic Environment Officer

Request conditions.

Public

No comments received.

Recent Site History

H06-1264-21 - O/A - Demolition of existing bungalow and erection of 2 new detached bungalows and garage, associated soft and hard landscaping - Refused 8 February 2022.

Planning Considerations

The main issues in this case are:

- Policy;
- Heritage issues;
- Amenity considerations;
- Highway safety;
- Other material considerations such as flood risk and drainage.

Policy/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 outside Gedney (Black Lion End) settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as countryside.

Policy 1 of the SELLP is therefore applicable. It is aimed to define a local spatial strategy from which new development should be steered to most sustainable locations. This Policy also establishes a settlement hierarchy that indicates the most and least sustainable locations. It goes on to state that "in the countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits."

The nature of the proposal is to replace the existing dwelling on the site. Therefore, the development cannot be proposed elsewhere. Thus, the principle of replacing the existing dwelling for a new house is acceptable subject to other material planning considerations.

Policy 22 of the SELLP indicates that proposals for the erection of replacement dwellings outside defined settlement boundaries will be permitted provided that:

1. the residential use of the building to be replaced (the original building) has not been abandoned;
2. the original building is permanent, has not become derelict and is not the result of a temporary permission;
3. the original building is not of architectural or historic merit and is not capable of repair;
4. the replacement building is of a high standard in terms of architectural detailing and materials of construction;
5. the replacement building is positioned on a similar footprint to the original building unless it can be demonstrated that the re-positioning would have beneficial impacts such as improving the character and appearance of the site and its locality; and
6. the replacement building does not exceed the floor area of the original dwelling by more than

40%, unless the development is of exceptional quality or innovative in nature in terms of its design, use of materials and levels of energy efficiency.

Addressing the above, it is considered that the residential use has not been abandoned. Although the building is constructed in timber it has a degree of permanence and is not temporary in nature.

Turning to the third criterion, the existing bungalow is a timber-framed rural structure of both a historic and rare nature. However, whilst it is regrettable that the structure should be lost, such buildings were never intended to be permanent features and so it is understandable that it should make way for more suitable accommodation. It is considered, on balance, that there is not sufficient justification for it to be retained and repaired.

Concerning criterion 4-6, these matters would be determined at the reserved matters stage.

It is considered that the proposal is in accordance with the aims and objectives of SELLP Policy 22.

Heritage

The site adjoins garden historically associated with Granite House, which is a grade II listed building.

Policy 29 (The Historic Environment) suggests that proposals that do not preserve or enhance the setting of a listed building should not be supported. This is consistent with advice within the National Planning Policy Framework, 2021. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 indicates that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Granite House itself is located some 80 metres to the south-west fronting Chapelgate, with the rear of the property facing the site. It is not readily visible at this point along Blazegate due to existing buildings, structures and planting. A barn to the west associated with Granite House recently received planning permission for conversion to a pair of semi-detached dwellings. Taking the aforementioned factors into account it is considered that a replacement bungalow could be accommodated upon the site without materially harming the setting of Granite House.

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 nearest residential property to the site is a barn to the west that recently received planning permission for a residential conversion to two dwellings. Garden associated with Granite House is located to the south-west. It is considered that a replacement bungalow could be satisfactorily accommodated upon the site without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, noise and disturbance, etc.

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

LCC Highways

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. Three spaces should be provided for dwellings of 4 bedrooms or more.

The indicative site layout plan makes provision for a new vehicular access off Blazegate, plus parking facilities. LCC Highways have been consulted and consider that the development would not

be expected to have an unacceptable impact upon highway safety. They have therefore raised no objections on highway grounds.

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

Flood Risk

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. 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 needs 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 Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The South East Lincolnshire SFRA indicates that the site is located within an area identified as Danger for Most. There are areas elsewhere within the district that are of lower flood risk. Applying the Flood Risk Vulnerability Classification in Table 2 of NPPG, use as residential is classified as "More Vulnerable". Table 3 of NPPG therefore states that an exception test is required. 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, use of the site for residential purposes is already established and the existing bungalow could be re-occupied. The proposal is solely for a replacement dwelling. Construction of a replacement building would result in a more sustainable form of development that would be safer from a flood risk point of view than the existing dwelling.

It is therefore concluded that the development would meet the requirements of the first part of the Exception Test and would be in accordance with the NPPF.

Concerning the second element, the flood risk assessment accompanying the application recommends that finished floor levels be set at least 500mm above surrounding ground levels with a place of refuge within the roof space.

Concluding, therefore, it is considered that the proposal would provide wider sustainability benefits to the community that outweigh flood risk. The proposal is therefore in accordance with Policies 2 and 4 of the SELLP and advice within paragraphs 161-163 of the National Planning Policy Framework, 2021.

In terms of drainage, the application form indicates that surface water would be disposed of via soakaways. Drainage can be addressed by means of conditions if permission is forthcoming.

Other matters

Addressing issues previously raised by local residents:

Cesspit currently on neighbouring land and causing pollutant/flooding issues. Careful consideration should be given to location of new drainage system - Drainage could be addressed by means of conditions if outline permission was forthcoming. Drainage easements are a separate legal matter.

Garden area of Field Bungalow and Granite House experiences flooding. This would be exacerbated if two properties built - This matter could be addressed by means of conditions if outline permission was forthcoming.

New access should not prejudice existing frontage drain - This is a drainage matter that could be addressed by means of conditions if outline permission was forthcoming.

All asbestos should be professionally removed - This matter falls within the remit of the Health and Safety Executive.

Any historic cables across Granite House are obsolete and should be removed from the plans - The provision/location of services would be addressed at the reserved matters stage if permission was forthcoming. Easements over neighbouring land are a separate legal matter.

Topographical survey necessary - Details of existing/proposed levels would be required if 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 proposal satisfactorily complies with policies within the South East Lincolnshire Local Plan, 2019. There are no adverse factors that outweigh factors in favour of the proposal, subject to conditions.

Conclusion

For the reasons outlined above it is recommended that the application be approved 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.