DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H06-0470-20**	**Applicant:**	**S Mcauley & C Taylor**
Proposal:	Erection of Dwelling - re-submission of H06-1002-19		
Location:	Land Adj. The Old Chapel House Marsh Road Gedney Drove End		
Terminal Date:	21st August 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 2. Achieving sustainable development
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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	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

CASE OFFICER ASSESSMENT

Proposal

This is a re-submission application that seeks full planning permission for proposed dwelling at land adjacent to The Old Chapel House, Marsh Road, Gedney Drove End, Spalding.

The aim of this application is to seek permission for the following amendments to the originally approved scheme:

- Removal of corner brick pier details.
- Addition of sloped tops to windows on front and rear elevation.
- Reposition of the entire dwelling 2 metres further back from the road.

The plans hereby submitted also include the details of landscaping, boundary treatment and foul and surface water disposal which were conditioned in H06-1002-19.

Site Description

To the north-west is a former Methodist Chapel, which is used currently as a dwelling. To the south-east, the property known as 'The Bungalow' is a single-storey detached dwelling built in 1980s. A frontage of bungalows is found on the opposite side of the road (Winston Close). Open field extends beyond the rear boundary. The topography shows that the site levels are slightly higher than the highway. The land is currently grassed.

History

H06-1002-19 - Proposed dwelling - Approved
H06-0138-20 - Details of landscaping, boundary treatment and foul and surface water disposal (Conditions 5, 6 and 7 of H06-1002-19) - Approved

Consultation Responses

Gedney Parish Council

Council support this application.

LCC Highways/SUdS Authority

No objection.

Two informative notes to add to the permission.

Environment Agency

No objection.

Should the application be approved, permission shall be subject to the withdrawal of planning permitted development rights for house extensions and non-habitable accommodation on the ground floor level.

Planning Considerations

Principle of development

The site is located within the settlement boundary for Gedney Drove End as set out in the South East Lincolnshire Local Plan (SELLP), 2019. The principle of developing a residential plot at the

proposed location was confirmed to be acceptable in the previous full permission H06-1002-19.

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 key material considerations are addressed below.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 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; and 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, among other considerations. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The removal of corner brick pier details and the conversion of rectangular windows to sloped top windows will enhance the contemporary appearance of the building. The extent of such effect is not deemed significant to harm the design and layout of the dwelling neither the character of the local area.

The reposition of the dwelling 2 metre further set back from the edge of the highway will not entail any adverse impact upon the site layout. The property will still appear aligned with the frontage development and the plot will benefit from spacious rear garden for incidental enjoyment of the dwellinghouse.

No observations made with regards to the details of landscaping, boundary treatment and foul and surface water disposal. These details remain as approved in previous application H06-0138-20.

In summary, the proposed works will enhance the contemporary appearance of the building insofar as the design and layout of the scheme will remain sympathetic with the form of development in the locality and overall the character of the local area. Thus, the proposals comply with the aforementioned policies concerning design, layout and impact upon the character of the local area.

Residential amenity

The reposition of the dwellinghouse footprint will ensure that the separation distances will remain with the adjacent plots.

Some concerns were expressed in the previous full planning application as to the overlooking effect from the rear balcony to the habitable room windows of the neighbouring properties to the north-west. Although the views will be further direct as the dwelling is repositioned 2 metres backwards, balustrading to the sides of the balcony will remain frosted and overlooking will result significantly mitigated.

In summary, the proposed amendments to the originally approved scheme are not sufficiently significant to the extent that amenity standards of residents nearby result undermined. Therefore, the development complies with residential amenity which is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019).

Flood risk and drainage

The proposed works of this re-submission have no impact upon flood risk and drainage.

To reduce the risk and impact of flooding to the proposed development and future users, two conditions should be added to the permission as the Environment Agency. One condition is to withdraw planning permitted development rights and the other one, to restrict ground floor rooms to be solely non-habitable.

Highway safety and parking

The proposed works of this re-submission have no impact upon highway safety and car parking provision.

Two informative notes will be added to the permission as requested by the County Highways Authority.

Conclusion

The material planning considerations are deemed positive in the context of achieving sustainable development. No representation has been made in objection the proposal. Taking into account the mentioned above, the proposed development is in accordance with Policies 1, 2, 3, 4, 10, 11, 17, 36 and Appendix 6 of South East Lincolnshire Local Plan (SELLP), 2019 and Sections 12 and 15 of the National Planning Policy Framework (NPPF), 2019.

It is accordingly recommended to approve this planning application via 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.