

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H06-0744-22	Applicant:	Mr & Mrs S Williamson
Proposal:	Erection of 2 dwellings with garages		
Location:	Adj. Waytmond Main Road Gedney Drove End		
Terminal Date:	28th September 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
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 5 - Delivering a sufficient supply of housing
 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	0	1	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	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for the erection of 2 dwellings on land adjacent to Waytmond, Main Road, Gedney Drove End.

Site Description

The site is a square parcel of land, which lies between existing properties along Main Road, Gedney Drove End - A detached bungalow to the east and a detached two storey dwelling to the west.

On the opposite side of the road are bungalows of different design and there are also 2 storey dwellings in the vicinity.

There are fields to the rear of properties fronting on to Main Road.

History

H06-1185-19- OUT- Approved on 31-01-20- Erection of 2 dwellings with garages.

Consultation Responses

Gedney Parish Council

No objections.

Environment Agency

Development shall be carried out in accordance with the mitigation measures in the flood risk assessment i.e. finished floor levels shall be set no lower than 4.70 metres above Ordnance Datum (AOD) with flood resilient construction provided to a height of 300mm above the predicted flood depth.

South Holland IDB

We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration.

We note that the applicant has not indicated how they propose to dispose of foul water from the development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3.

We are not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Planning Considerations

- Principle
- Flood risk
- Layout, Appearance and Scale
- Residential amenity

Principle

The site is located within the settlement boundary for Gedney Drove End as set out in the South East Lincolnshire Local Plan (2019). Policy 1 (Spatial Strategy) of the Local Plan classifies Gedney Drove End within the Other Service Centres and Settlements tier of the settlement hierarchy and states that within the settlement boundaries of these settlements, development will normally be limited to Committed sites and infill.

The site is located between a number of properties and therefore can be considered infill. It also benefits from an outline planning permission for two dwellings (ref. H06-1185-19) which is due to expire soon.

Given the above, residential development of the site would, in principle, be acceptable.

Flood Risk and Drainage

The NPPF requires the application of a Sequential Test to steer new development to the areas at the lowest probability of flooding. Following the Sequential Test, if this is not possible, consistent with wider sustainability objectives for the development to be located in zones with lower probability of flooding, then the exceptions test can be applied if appropriate.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.

The site is located within Environment Agency Flood Zone 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies that the site would be exposed to flood depths of up to 1m-2m and is categorised as danger for all.

The site lies within the settlement boundary of Gedney Drove End. There is a presumption in favour of sustainable development within settlement boundaries and windfall sites are expected to have a contribution towards the housing supply, whilst maintaining the 5-year housing land supply of deliverable sites in the district. Should the site be acceptable in all other regards, and if the Exceptions Test is successfully passed, it can be considered that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable allocated sites in the adopted Local Plan.

In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

It is accepted that the development would provide some wider sustainability benefits to the community through its ability to help meet the housing need, and other benefits including generating employment during the construction period.

In terms of making the development safe, finished floor levels of habitable rooms are set above 1.7m above ground level, which is above the average predicated flood depth for the site.

In terms of surface water drainage, the proposal is for this to be discharged via soakaway. There are no known ground permeability issues in this area that would preclude the effective use of soakaways on site. For foul water, a treatment plant will be set for both of the dwellings.

Given the above, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

Layout, Appearance and Scale

The application site is located within a row of frontage dwellings which extends for some distance each side of Main Road. Existing residential development is low density and dwellings are set out within spacious plots, which reflects the more rural nature of the surroundings. The size of the plots for each of the two dwellings would not be considered out of keeping with the existing development pattern.

Given that there are bungalows and two-storey dwellings surrounding the proposed development, the maximum of 2.5 storeys in height has been used rather than a full 3 storey dwelling to ensure it sits acceptably within the street scene.

The properties would both be constructed from Weinerberger Olde Farndale Multi, Lindum Dark Grey roof tiles, white UPVC windows and doors and black rainwater goods. Each dwelling will have a tall window feature in the centre of the front elevation of the dwellings, along with a Juliette balcony off of the rear elevation from the living room. Both dwellings include two single garages and utility space to the ground floor, kitchen, lounge and master bedroom on the first floor and a further 3 bedrooms with en-suites to the second floor. The proposed design and layout is considered acceptable.

Taking the above into account, the proposed two dwellings with garages is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Highway Matters and Parking

Access would be taken from Main Road. Main Road is an adopted highway and serves the existing residential dwellings. The Highway Authority have been consulted as part of the application process, raising no objection on highway grounds. The proposal is therefore considered to be in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access arrangements and vehicle levels will be acceptable.

Appendix 6 of the SELLP sets out minimum vehicle parking standards for residential developments and requires that at least 3 parking spaces are provided within the curtilage for dwellings with more than 3 bedrooms. There is sufficient space within the curtilage at the front for 2 vehicles, plus there are the two garages for each dwelling. Therefore, the parking arrangements are deemed to be acceptable in terms of Policy 36 and Appendix 6 in the SELLP, 2019.

Residential amenity

It is not considered that the proposed development will have a material adverse impact on residential amenity in terms of being overbearing, or creating an overlooking or loss of light impact.

The western side facing elevations of both plots have windows on the first and second floor, but are not considered to overlook unacceptably as the eastern plot will face the blank elevation of the other and the western plot will look onto the adjoining field to the west. The rear elevation windows will overlook onto the open fields to the south.

It is not considered that there would be any material overbearing or overshadowing impacts from the proposed dwellings upon the neighbouring properties to the west and east. The dwelling on the western plot would be approx. 2.1m away from the east side elevation of Waytmond, which appears to have no side elevation windows facing toward the site. The neighbouring bungalow to the east has several side elevation windows on the property facing into the site. These windows would be a minimum of 10m from any part of the side elevation of the new dwelling. This is, on balance, an acceptable distance. No public objections have been received.

In light of the above, the proposal is considered to accord with Policies 2 and 3 of the Local Plan in respect of their provisions on residential amenity.

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 application site lies within the settlement boundary for Gedney Drove End and the principle of residential development in this location is acceptable. It is not considered that the proposal would materially harm the character or appearance of the area or the amenity of residents. There is no objection from the Highway Authority and parking arrangements are acceptable. Flood risk and drainage matters are considered to have been appropriately addressed.

Taking the above into account, the planning balance is considered to be in favour of the proposal.

Conclusion

In light of the conditions above, the proposal is considered to be in accordance with Policies 1, 2, 3, 4 and 36 (incl. Appendix 6) of the South East Lincolnshire Local Plan (2019), as well as Sections 12 and 14 of the National Planning Policy Framework (2021).

The recommendation is therefore for a delegated approval.

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.