

DECISION DELEGATED TO HEAD OF PLANNING**DECISION DELEGATED TO HEAD OF PLANNING**

Application No: H06-0868-21 **Applicant:** Home Improvements

Proposal: Erection of pair of 2 bed semi-detached dwellings

Location: Adj. Sea Breeze Marsh Road Gedney Drove End

Terminal Date: 11th October 2021

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Section 2 - Achieving sustainable development
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	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 INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	2	0	0	3

CASE OFFICER ASSESSMENT

Proposal

This is a full application for the erection of pair of 2 bed semi-detached dwellings on land adjacent Sea Breeze on Marsh Road in Gedney Drove End.

The plans have been amended as the ground floor plan initially showed a garden room which was not considered acceptable due to the site being within a flood risk zone.

The site has outline planning permission for residential development for 2no dwellings on this plot.

Site Description

The site is adjacent Sea Breeze on Marsh Road in Gedney Drove End. It is located within the Gedney Drove End settlement boundary. The site is between two existing dwellings known as The Bungalow and Sea Breeze. The site backs onto the open countryside. The surrounding area is characterised by dwellings of varying ages and design.

History

H06-0202-18 - Erection of two new dwellings with vehicular access - Approved

Consultation Responses

South Holland Internal Drainage Board

Requests ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. 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). Any alterations to a watercourse will require consent from the Board Byelaw 4).

Environment Agency

The local planning authority should determine whether they consider the proposed "garden rooms" shown in the ground floor drawing (ref: Himp/Ged/2021/Gndpln1) to be classed as non-habitable. It is unlikely that mitigation measures would prevent flood water from entering the building at ground floor level. Therefore, proposals must have a minimum of 2 storeys with no ground floor habitable accommodation. The first floor living accommodation must be above the highest predicted flood depth.

Gedney Parish Council

No objections.

LCC Highways/SUDS Authority

No objection. Requests the addition of two informative notes should permission be granted.

Environmental Protection

No objections.

Public

A third party has recommended the installation of a minimum of 4no swift nest bricks be required by a planning condition to provide enhancement for biodiversity.

Residents

A number of letters have been received siting the following concerns:

- Overlooking from side facing windows
- Reference is made to connecting to 'mains sewage' however, there is no mains sewer in the area
- The application states there is no trees on the site, however, there is a tree and various bushes along the front boundary
- The application states there would be no trade effluent but this is incorrect
- The site does not have sufficient space to accommodate 4 cars

Planning Considerations

Principle of development

The site is within the settlement boundary of Gedney Drove End. The site also benefits from outline planning permission therefore the principle of residential development was approved at such location and therefore this is not disputed with this current application.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 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. Policies 2 and 3 of 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.

The proposed dwellings are on balance considered to be proportionate to the size of the plot and would retain sufficient amounts of outdoor amenity space. As such it is not considered that the proposal results in overdevelopment of the site. The proposed dwellings would have a similar set back from the highway to the adjacent dwellings. There is no strong character in this part of the street therefore the proposed dwellings are not considered to be out of keeping with the street scene.

The front area would be sufficiently spacious for driveways providing off-street parking. The rear gardens would be small but in keeping with the others in this part of the street and therefore acceptable. Internally, all the proposed bedrooms would be above the minimum space standards and the future householders would enjoy good living conditions.

There would be Anthercite Hardy Shiplap cladding and cream render on part of the front elevations and Weinerberger Hathaway brindle bricks on the remaining elevations. The roof tiles would be Grey Forticrete Slate. The front doors would be Anthracite grey composite and all other doors, windows and rainwater goods would be white upvc. There would be a 1.8 metre high close boarded fence along the north-west and south-east boundaries which drops to 1.2 metre high for the last 3 metres adjacent to the footpath.

Given there are examples of various materials in the immediate area the proposed materials schedule is considered to be acceptable and would not result in unacceptable impact on the visual

amenity of the area.

No soft/hard landscaping details have been submitted but these could be secured via a condition.

As such, subject to a suitable landscaping scheme the proposed development is considered acceptable in terms of its appearance and impact on the street scene.

Flood risk and drainage

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 potential depths of between 1.6 and 1.8 metres for the 0.5% (1 in 200) plus climate change scenario. On this basis, the EA has recommended that the dwellings must be a minimum of two-storey with no ground floor habitable accommodation and the first floor living accommodation must be above the highest predicted flood depth.

Policy 4 of the SELLP relates to flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); it incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

Onsite rainwater will discharge to a soakaway and foul water is proposed to discharge to a mains sewer. South Holland Internal Drainage Board has requested ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. 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). Any alterations to a watercourse will require consent from the Board Byelaw 4).

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 proposed development is not in a functional floodplain. Although the site is within flood zone 3 the actual risk of site flooding from any Environment Agency river system is low. Although the site is located within an Internal Drainage District with a minimum standard of drainage of 1 in 50 years which accord with Defra guidelines for rural development.

At the time of the outline permission the Environment Agency requested mitigation measures and for no habitable rooms to be located on the ground floor. The initial ground floor plan submitted included garden rooms and the Environment Agency has advised that the local planning authority should determine whether they consider the proposed garden rooms as non-habitable. It is unlikely that mitigation measures would prevent flood water from entering the building at ground floor level. Therefore, proposals must have a minimum of 2 storeys with no ground floor habitable accommodation. The first floor living accommodation must be above the highest predicted flood depth. The concerns were noted, and the applicant was advised to remove the garden rooms from the ground floor. The revised plans omit the garden rooms initially proposed and now proposed only non-habitable rooms on the ground floor.

Given the above and subject to the suggested mitigation measures within the submitted Flood Risk Assessment the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on flood risk and drainage.

Residential amenity

Paragraph 127 of National Planning Policy Framework (2019) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The adjacent neighbour has raised concerns that proposed side facing windows would result in overlooking and loss of privacy. The concerns are noted, however, the proposal does not propose any side facing primary room windows. The first floor side facing window would serve a bathroom therefore it would be obscure glazed. As such it would not result in any overlooking or loss of privacy. The scheme is also not considered to result in any overbearing impact given the dwelling closest to this neighbour would be sited approximately 4.5 metres from the shared boundary with this neighbour and 7 from its nearest elevation. In addition, given the orientation of the property and the fact this neighbour does not have any windows in its side elevation facing the application site no unacceptable overshadowing would result.

With regards to the neighbour to the north-west, the proposed dwellings would be located approximately 4.5 metres from the shared boundary with this neighbour and at least 12.2 metres from this neighbour's nearest elevation. This separation distance is considered sufficient given this neighbour also does not have any primary windows facing the application site. Only one first floor window is proposed directly facing this neighbour, however, this would serve a w/c and therefore condition has been appended to ensure this window is obscure glazed. As such there are no overlooking or loss of privacy concerns.

Highway safety and car parking provision

One neighbour has raised concerns that the site does not have sufficient space to accommodate 4 cars. The concerns are noted, however, the County Highways Authority has not objected to the scheme subject to the submission of details regarding the new vehicular access and its subsequent approval at a later stage.

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Two spaces for dwellings with up to 3 bedrooms should be provided within the curtilage. The proposed dwellings would have 2 bedrooms therefore 2no parking spaces would be required for each dwelling. The proposed driveway layout for both plots would be sufficient for two cars that could enter and egress the site in a safe and forward manner. Overall, the proposals would ensure minimum parking standards.

Other matters

A third party has recommended the installation of a minimum of 4no swift nest bricks be required by a planning condition to provide enhancement for biodiversity. The comments are noted, and a condition recommended to this effect.

One neighbour has highlighted that the application states there is no trees on the site, however, there is a tree and various bushes along the front boundary. The concerns are noted, however, the site is not within a conservation area and the trees/bushes are not considered to be high value therefore it is not considered necessary to request further details.

One neighbour has concerns with regards to trade effluents from the site, however the applicant has not indicated that there would be trade effluents or waste from the site and Environment Health has not raised any objections.

Planning balance

The principle of developing the residential scheme is acceptable at such location given the extant outline permission.

The siting, external materials, and mean of enclosure would be sympathetic with the neighbouring land uses and the semi-rural character of the area. The footprints of the dwellings would sit well within the plot. No undue harm would occur upon the amenity standards of adjacent neighbours. On-street parking would be prevented by appropriate car parking arrangement within the plot and no cumulative impact upon highway safety is anticipated by the proposal.

On balance, no adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

Conclusion

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.

Taking into account the above, this application complies with Policies 1, 2, 3, 4, 10, 11, 28, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 5, 11, 12, 14 and 15 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this 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.

RECOMMENDATION

The application can be approved under delegated powers.