

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0896-22 **Applicant:** Bourne & Axa
Property Services Ltd

Proposal: Residential Development - Erection of 2 dwellings including demolition of existing dwelling

Location: Land Off Pinstock Lane Gedney Spalding

Terminal Date: 19th December 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
28	The Natural Environment
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 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

Planning Practice Guidance (PPG)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	1	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	8	0	0	2

CASE OFFICER ASSESSMENT

PROPOSAL

The proposal relates to the demolition of a single bungalow and the erection of two four bedroom properties.

SITE DESCRIPTION

This is a 0.08 hectare rectangular plot of land on the eastern side of Pinstock Lane, currently with a single point of access to the site, close to the junction with Church End within the settlement of Gedney & Church End and Black Lion End. On site is a bungalow in the centre of the plot in a poor state of repair. Along the northern boundary is a footpath. There are various trees along the front of the site. The boundary with the neighbouring property has a thick tree screen comprised of conifers. A footpath exists along the northern boundary.

RELEVANT PLANNING HISTORY

There is no relevant planning history.

REPRESENTATIONS

Gedney Parish Council

No objections.

South Holland Internal Drainage Board

The applicant has indicated that they intend to dispose of surface water via infiltration, however its viability has not been evidenced. Ground investigation is required to determine the infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible, consent would be required under Byelaw 3 to discharge surface water to a watercourse. Any discharge should be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS). The Board is unlikely to grant consent for discharges in excess of the greenfield rate. The applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991:

There is a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the eastern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

LCC Highways and LLFA

No objections but Highway Informative is suggested.

Application site fronts onto a section of public highway that is narrow and where there is no existing footway. However, the existing use of the site is residential and this part of Gedney is characterised by roads that have no separate footways. Pinstock Lane is a no through road so the volume of traffic using this road is very low. The frontage boundary of the site is a substantial conifer hedge that has grown to such an extent that its foliage extends to the edge of the carriageway. It is presumed that the intention is to remove this conifer hedge and to replace it with a more appropriate boundary feature. If it were to remain, it is doubtful that the required access visibility could be achieved for the new development. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application.

Scheme is a minor application in terms of Flooding and therefore LCC has no comments to make

LCC Historic Environment Officer

No observations.

Public

Comments on Amended Scheme

8 individual letters of objection were received following consultation of the amended plans which raised some or all of the following points:

- amended application does not address the over development for this parcel of land (formally a single bungalow).
- no reason to oppose the demolition of this bungalow and build a new home on the site but to put 2 large houses with their own individual entrances is totally out of keeping with the surrounding properties on Pinstock Lane. 1 dwelling with ample parking would be better, which would be in keeping.
- houses far too big for this site, like the original proposal do not have any windows on the South or North sides due to their close proximity to each other and neighbouring land.
- one home supported but two large houses is too much and creates another entrance/driveway onto Pinstock Lane.
- Gedney is an unsustainable village - no facilities or shops.
- 12 trees being removed, plus trees removed prior to application.
- applicant requested adjoining property removes their trees as they are obstructing the new building.
- over development of the site, plot way too small, 2 houses is pure greed and ludicrous.
- large number of residents in Pinstock Lane object.
- objects to wood burners.
- construction disruption from site workers, unloading lorries would block off road for access for emergency vehicles, farm vehicles, rubbish collection and access for houses further down.
- unsuitable, inappropriate project due to size of plot of land.
- small size of houses.
- parking problems within the site having to keep moving their cars in and out of the plot as the third car block the other 2 in.
- wear on the road, which already has potholes, extra vehicles.
- farm uses lane, cars will not able to get past if the lane is blocked.
- concerns about dust created from building.

Comments on Original Scheme

14 letters of objection were received which raise some or all of the following points:

- overdevelopment of the site, overcrowding of a pleasant semi-rural street scene, one dwelling is in balance/character with lane itself, houses too large, parking problems for two households, especially bottom of the lane.
- construction problems, dust, loading/unloading of materials, parking of construction vehicles

causing problems, visitors will create parking problems.

- non-sustainable community, lacking facilities of shops, post office, doctors, dentists, no commercial properties, restrictions on permitted development, two dwellings contrary to Local Plan, exploitation of planning guidelines.

- Pinstock Lane is a historic lane, used to join Maisdyke Lane, now a cul de sac, without any turning area, leads directly onto fields, parking would occur on lane. Farm vehicles use the lane, refuse, delivery and emergency vehicles would be affected.

- site has 7 trees forming the front boundary with other trees on 3 sides.

- foul system is at capacity, 2 houses will cause health problems.

- more dwellings of proposed size would lead to more vehicles, lane already too busy with traffic and parking and this would impact the situation. Failed deliveries and refuse collections occur due to lack of passing facilities. Also issue with agricultural vehicles. Restricted access for emergency vehicles.

- please refuse permission - too big for area, needs 8 car parking spaces, drains would not be able to cope, needs rethink, buildings should be sized to the plot of land.

- application form says no altered access - however two accesses are shown, section 10 of application form has not been completed.

- only 1 four bedroomed house should be allowed.

- four car parking spaces should be on site for each house.

PLANNING CONSIDERATIONS

Section 38(6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

Policy 1 of the South East Lincolnshire Local Plan 2019 (SELLP) relates to the overall settlement hierarchy of the district and encourages development in more sustainable locations. The site is within the defined settlement boundary of Gedney which is designated as an 'Other Service Centre'. This is identified as an area of development constraint but the Local Plan states that within these settlement boundaries 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.

The application site is situated within the red line of the settlement boundary and as a result, the proposal represents infill development. As a result, the proposal does not conflict with Policy 1 of the SELLP in principle.

Size, Scale, Layout and Design

Policy 2 of the SELLP states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to, amongst other things, size, scale, layout, density, impact on amenity, character and appearance of the area and the relationship and impact on existing development and neighbouring land uses, the quality of design, access and vehicle generation level and visual intrusion.

The village has a variety of styles and materials and is made up of properties of varying ages. There are a mixture of bungalows on small narrow plots, and two storey properties on larger, sometimes substantial plots. The character of the application premises is a small bungalow but set within the centre of the site so that in design terms the dwelling is 'framed' by the surrounding amenity space, with a set back from the front and sides with a rear garden. The existing character is proportionately spacious within the plot due to the central position of the bungalow. This mirrors larger two storey property types in the vicinity - a key characteristic is one of larger two storey properties set centrally within spacious plots.

The property would require two access points rather than the existing single access to the site. This will increase vehicular movements in this part of Pinstock Lane, which is narrow and has no footway in this location. Larger vehicles cannot easily pass each other. Once parked in front of the application premises, vehicles pass with difficulty. Nearby residential properties report difficulties with car use due to the narrowness of the lane as farm traffic, delivery drivers and refuse vehicles use the route regularly. There are concerns about emergency vehicles using the lane due to the number of cars and on street parking. The proposed design has been amended to accommodate space for 3 vehicles for each dwelling plus a garage. The dimensions of the garage are 3.3m x 5.4m which is above the minimum size as specified in Appendix 6 to the Local Plan which relate to car

parking requirements. Whilst it is noted that the Local Highway Authority does not raise objection to the proposal on highway safety grounds, the amount of car parking required to meet the minimum requirements of Appendix 6 means that the character of the front of the two x two storey properties, will change as a result of having to accommodate 3 car parking spaces each. The amount of front garden would be reduced and taken up by tarmac.

The plans have been amended following concerns of the case officer due to the number of dwellings on the plot representing overdevelopment of the site, a view also expressed by numerous nearby local residents. The applicants do not wish to have one four bedroom house on site due to the price paid for the site, and instead have opted to reduce the size of the dwellings by 400mm in order to reduce the impact on the street scene. Even with reduced width, the overall effect of two properties in visual terms in relation to the plot creates a cramped form of development. The properties are below the National minimum space standard. Built form would almost enclose the plot compared with the current more spacious form of a single storey bungalow. The effect of the proposals in visual terms means that this part of the street scene will have two houses on a plot which had a more spacious vista previously. The spacing between the two buildings and the boundaries would be more restricted, adversely affecting the external appearance of the site in the street scene, creating a more urban and dominating appearance than its current setting. Whilst it is acknowledged, as pointed out by the agent, that there are a number of dwellings on Pinstock Lane with much narrower plots, these dwellings tend to be single storey bungalows on these types of sites. Two storey dwellings on restricted plots do not make up the predominant character of the area, which makes this proposal appear out of keeping and out of character with the immediate surroundings. As such it is considered that the proposal conflicts with Policy 2 of the SELLP.

Design and Landscape Character

Policy 3 of the SELLP requires all development to create distinctive places and states "design which is inappropriate to the local area, or fails to maximise opportunities for improving the character and quality of an area, will not be acceptable." Policy 3 also stresses the need to avoid visual closure.

The amended scheme still attracted objections from nearby residential properties as a result of the proposal being considered to be overdevelopment of the site. It is considered that the reduction in width of the properties by 400mm does not address the fundamental difficulty in design terms of having two properties on a restricted site.

The neighbouring property to the north is on a substantial plot and will not be adversely affected by the proposed development.

The neighbouring property to the south has a thick tree screen along its boundary, with a shed and a garage closest to the boundary. This means that the nearest habitable room is set in from the boundary. This property would not be affected in amenity terms by the proposal. There may be some loss of outlook as a result of the development if the thick tree screen were to be removed, but not severe enough to represent a distinct reason for refusal.

Turning to more general design principles, the site is currently occupied by a single storey bungalow with proportionately spacious amenity space surrounding it, lined with numerous trees. Given that the proposal relates to the provision of two properties on a plot originally envisaged for one bungalow, it is considered that the landscape character and visual closure would result, which would be out of character and out of keeping with the prevailing development in the locality for two storey dwellings. This is contrary to Policy 3 of the SELLP.

Flooding Considerations

Policy 4 of the SELLP relates to the approach to flood risk and details how development proposals will be determined, including sequential testing and other relevant considerations.

-The Environment Agency Flood Map identifies the site as being in Flood Zone 3 with a high probability of flooding.

The Environment Agency Long Term Flood Risk maps show that:

- the site has a low risk of flooding from rivers or the sea (annual probability between 0.1% and 1%);
- the site has a very low risk of surface water flooding (annual probability less than 1%);
- the site is not within a risk of reservoir flooding.

The SFRA Residual Flood Hazard Map for the 1% Fluvial and 0.5% tidal event for the present day shows the site is outside the 'Low Hazard' area, and for 2116 is in the 'Low Hazard' area.

Residual Peak Depth Map for the 1% fluvial and 0.5% tidal shows the site is outside the area at risk for the present day and the site is at risk with depths between 0.0m and 0.25m.

It is recommended that the floor level of the dwellings is 0.3m above the surrounding ground level and there is a 0.3m of flood resilient construction above finished floor level.

The development passes the Sequential Test and Exception Test and is therefore suitable for the proposed location.

Taking into account the above it is not considered that the proposal conflicts with Policy 4.

Impact on Biodiversity

Section 15 of the National Planning Policy Framework (NPPF) seeks to protect sites of biodiversity value, minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. It says local plans should take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure.

Paragraph 179 seeks to protect biodiversity, safeguarding components of local wildlife-rich habitats and wider ecological networks, wildlife corridors and stepping stones that connect them. Paragraph 80 states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated for, then planning permission should be refused.

Policy 28 of the SELLP seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and assess proposals directly or indirectly affecting these assets by assessing if the benefits of the proposal would outweigh the adverse impacts on the site and wider network of natural habitats. In addition, the policy seeks to promote biodiversity net gain in proposals by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, including water space, and conserving or enhancing habitat to adapt to climate change.

The proposed development would lead to the loss of a number of trees, and it has been reported that several trees have been lost prior to the application being submitted. There are no trees on site currently identified as being subject to a Tree Preservation Order. Should the development otherwise be considered acceptable, it is considered that the proposals would be capable of being mitigated in biodiversity terms by conditioning a landscaping scheme that specifically included proposals for biodiversity net gain. As a result it is not considered that the proposals are contrary to Policy 28 of the SELLP.

The loss of trees around the perimeter of the site would add to the adverse effect in design terms of the proposal by affecting character, by increasing the amount of visible built form in the street scene.

Foul and Surface Water Drainage

Foul sewage would be discharged via the Mains sewer.

There will be no discharges of surface water to treated effluent to any watercourses. Soakaways will be used for surface water. It is considered that these details are satisfactory.

Planning Balance

Section 38 (c) 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. To determine whether the proposal accords with the Local Plan it is necessary to undertake a planning balance exercise having regard to economic, social and environmental objectives.

In economic terms, it is accepted that future occupants may work locally and therefore make a contribution to the local economy. There would be short term economic benefits associated with the

construction of the dwellings. The economic benefits resulting from the proposal are minor, but weigh slightly in favour of the proposal.

In community terms, the proposal would make a contribution, albeit small, towards housing supply in the district. However, the dwellings are below the minimum space standards and therefore the proposal is neutral in this respect.

In environmental terms, the proposal would affect the character and appearance of the area, would affect landscape character and would be a cramped form of development, out of keeping with the area, representing overdevelopment. This weighs significantly against the proposal.

Overall, the harm that would result from the proposal in environmental terms outweighs the economic and community benefits of providing housing in the planning balance.

Conclusion

The proposal is contrary to Policies 3 and 4 of the South East Lincolnshire Local Plan (2019) and paragraph 134 of the National Planning Policy Framework in relation to design.

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 refused under delegated powers.

The application was referred to Chairman's Panel on 25/11/22 where it was accepted the decision could be delegated.