DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-1173-22**	**Applicant:**	**Bourne & Axam Property Services Ltd**
Proposal:	Residential Development - re-submission of H06-0896-22		
Location:	Land Off Pinstock Lane Gedney Spalding		
Terminal Date:	31st January 2023		

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
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	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal relates to the demolition of a single bungalow and replacement with a two storey 4 bed residential property. This is a resubmission of a previous proposal for residential development which was for 2 dwellings. The proposal is now for a single dwelling.

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.

History

H06-0896-22 was for residential development - Erection of 2 dwellings including demolition of existing dwelling which was refused planning permission on 25th November 2022 for the following reason:

The proposal would be a cramped form of development by reason of its size, scale, layout and design, representing overdevelopment of the site and visual enclosure of the plot, out of keeping with this part of Pinstock Lane, adversely affecting the street scene and landscape character of the immediate vicinity. The proposal is therefore contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan 2019, and Section 12 of the National Planning Policy Framework (2021) which collectively seek a higher standard of design, a strong sense of place which is sympathetic to local character and landscape setting with a focus upon design quality that maximises opportunities to improve the character and quality of an area.

Consultation Responses

Highway and Lead Local Flood Authority

Comments: The proposed development would be accessed from a minor road that has relatively few vehicle movements. The development would require the formation of a new vehicular access but this would be located where drivers entering the highway have sufficient visibility of any vehicles that might be approaching from either direction for them to judge if it is safe to complete this manoeuvre. There is no existing footway at the frontage of the site. It is more likely that all journeys would be made by motor vehicle than on foot. The highway authority considers that the construction and occupation of the proposed dwelling would not have an unacceptable impact upon highway safety and that there is therefore insufficient cause to withhold the grant of Consent for the proposed development on highway grounds.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to Drainage on all Major Applications. The Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

No objection subject with the informatives below:

Suggested Informatives:

Highway Informative 03:

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on our website, accessible via the following link: https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb.

Highway Informative 08

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit our website via the following link: Traffic Management - https://www.lincolnshire.gov.uk/traffic-management

South Holland Internal Drainage Board

The site is within the Internal Drainage District (IDD) of the South Holland Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required Land Drainage Consents.

Byelaw 3 (Surface Water)

Disposal of surface water is via infiltration. The viability of this has not been evidenced. Ground investigation is recommended to be carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

Byelaw 3 (Treated Foul Water)

Applicant intends to dispose of foul water to a main sewer. Should the applicants 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

A riparian watercourse which is not maintained by the Board is 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).

Byelaw 10

There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Gedney Parish Council

Support the application.

Public

No comments received.

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. It is also replacing an existing dwelling, albeit larger as proposed. 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 proposal is a re-submission of a previously approved scheme which was for two dwellings, which was refused. The current proposal has now been reduced to one four bedroom dwelling rather than two, arranged in an 'L' shape with a rearward gable wrapping around the rear patio/amenity space. The dwelling is to be positioned centrally on the plot. The current proposal is considered acceptable in design terms, does not lead to visual enclosure, and is an appropriate size and scale for the proportions of the plot. The proposal does not adversely affect the street scene or appear cramped. A separate single storey garage is situated on the northern side of the plot away from the adjoining neighbouring property. It is set back so appears subservient to the main dwelling. The arrangement allows for plenty of parking in layout terms. Neither the garage or main dwelling dominates the street scene.

It is considered that the proposal does not conflict 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 design of the current proposal is a considerable improvement when compared with the previous scheme, with the cramped nature of the previous design now absent. The fact that the dwelling is centrally located, means that visual closure would not occur on this plot, which in turn means the design would not impact on the street scene. In addition, the property is set within the boundary to the extent that it would not adversely affect the amenities of the neighbouring property. The design is considered entirely appropriate for the area subject to the submission of appropriate materials which can be controlled via condition. It is considered that the design problems of the previous scheme have been overcome.

Whilst the proposal is considered acceptable, the house is much larger on a plot which previously

housed a small bungalow. It is recommended that permitted development rights are restricted to ensure that the overall proportions of the dwelling remain acceptable, and that the surrounding amenity space is maintained, and not cluttered with additional structures normally allowed under permitted development, given that the plot is relatively small and due to the layout with a rear projecting gable. This can be controlled via condition.

The proposal does not conflict with 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 0.1%);
-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 for the present day, and for 2116 is in the 'Low Hazard' area. The 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 for 2116.

A Sequential and Exception Test is required. The Vulnerability Classification for dwellings is classified as 'more vulnerable'.

Large parts of South Holland between the River Welland and River Nene are within Flood Zone 3 so lower flood risk sites are limited. Given that the SFRA information states the site is not at risk at the present day for a 1% fluvial or 0.5% tidal event, the low probability of flooding means the Sequential Test is passed.

It is recommended that the floor level of the dwellings is 0.3m above the surrounding ground level and there is 0.3m of flood resilient construction above finished floor level which can be controlled via condition. Also the risk of flooding is lowered as the proposed dwelling has 2 storeys with all sleeping accommodation on the first floor.

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

The applicant has agreed to a pre-commencement condition in relation to a site survey determining ground levels, construction above 0.3m above ground level and resilient construction materials 0.3m above floor level. In addition further information from the Flood Risk Assessment can be provided as an informative to the permission.

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

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.

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.

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.

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.

Foul and Surface Water Drainage

Foul water is to be disposed of via Mains sewer. Surface water is to be disposed of via soakaway. Subject to the imposition of appropriate informatives highlighting to the applicant the comments from South Holland Internal Drainage Board, these details are considered satisfactory.

Highway Safety and Parking

Policy 36 of the SELLP states that all new development should provide vehicle and cycle parking in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (Appendix 6). The dwelling is four bedrooms which requires 3 car parking spaces and one cycle parking space. The layout shows 2 spaces on the front of the property, and two spaces on front of the garage. The garage should also be able to accommodate at least one space possibly 2 depending upon its internal size. The number of spaces on site therefore complies with Appendix 6. A condition in relation to the submission of a cycle rack either on the garage or inside the garage can also be conditioned to comply with Appendix 6.

The proposal is considered to be compliant with Policy 36 of the SELLP.

Planning Balance

Section 38 (c) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

To assist in demonstrating that the proposal accords with the Local Plan a planning balance exercise having regard to economic, social and environmental objectives is useful as follows:

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

In community terms, the proposal rebuilds and modernises a very old bungalow allowing the site to re-enter the housing supply again, after a period where the bungalow stood empty. This makes a small contribution towards housing supply in the district. This weighs in favour of the proposal.

In environmental terms, the proposal is acceptable in design terms and is capable of providing a net gain to biodiversity subject to a suitable landscape and biodiversity condition.

Overall, the benefits of the proposal outweigh any harm in the planning balance and as such the proposal is considered acceptable.

Conclusion

This is a re-submission of a previously refused scheme and now relates to the demolition of a bungalow and the erection of one 4 bedroom house rather than two. The proposal is considered acceptable and is therefore recommended for 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.