

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-1264-21 **Applicant:** Mr G Baxter

Proposal: Demolition of existing bungalow and erection of 2 new detached bungalows and garage, associated soft and hard landscaping.

Location: Field Bungalow Blazegate Gedney

Terminal Date: 9th February 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
28	The Natural Environment
29	The Historic Environment
30	Pollution
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 2. Achieving sustainable development.
Section 4. Decision making.
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	0	1
WARD MEMBER	0	0	0	0

PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for demolition of an existing bungalow and erection of 2 new detached bungalows and garage, plus associated soft and hard landscaping. All matters are reserved for subsequent approval, but the application is accompanied by indicative details, including site layout.

Site Description

The site is located on the southern side of Blazegate, Gedney and is currently occupied by a vacant timber clad bungalow.

A domestic barn associated with Granite House (grade II listed) is located to the west, which has planning permission for conversion to a pair of semi-detached dwellings (ref. H06-0189-20). A Kingdom Hall is located to the south-east and a Gedney Water Tower to the north-east on the opposite side of Blazegate.

Consultation Responses

Gedney Parish Council

Council considers this application to be overdevelopment of the site. Council would not object to one replacement dwelling that would conform to current flood requirements with more information on disposal of wastewater.

LCC Highways

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

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).

Environmental Protection

No comments or objections.

Environment Agency

Proposal falls under Cell D8.

SHDC Conservation Officer

As a timber-framed rural structure of both a historic and rare nature, it is certainly regrettable that the structure should be lost. However, such buildings were never intended to be permanent features and so it is understandable that it should make way for more suitable accommodation.

I wish to echo the comments of my colleague at the County Council and request that prior to demolition of the extant structure, the applicant be obligated to undertake a full building recording for submission to the LCC HER, so that this interesting structure may be recorded for future reference.

LCC Historic Environment Officer

Request conditions.

Public

Objections received (summarised):

- Cesspit currently on neighbouring land and causing pollutant/flooding issues. Careful consideration should be given to location of new drainage system;
- Garden area of Field Bungalow and Granite House experiences flooding. This would be exacerbated if two properties built;
- Lack of garden areas;
- New access should not prejudice existing frontage drain;
- All asbestos should be professionally removed;
- Any historic cables across Granite House are obsolete and should be removed from the plans;
- Topographical survey necessary;
- Blazegate unsuitable for additional development.

Recent Site History

None

Planning Considerations

The main issues in this case are:

- Policy/whether the proposal constitutes sustainable development;
- Heritage issues;
- Amenity considerations;
- Highway safety;
- Other material considerations such as flood risk and drainage.

Policy/Sustainability

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 proposed development is outside Gedney (Black Lion End) settlement limit within the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as countryside. Policy 1 of the SELLP is therefore applicable. It states that development will be permitted in the countryside that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental

benefits.

Policies 2 and 3 of the 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. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 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.

In terms of Policy 1, the proposal is for an additional dwelling. No case has been put forward indicating that two dwellings are necessary in this location within the countryside as opposed to within a settlement limit.

SELLP Policy 1 also indicates that development will be permitted if it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. The relevant criteria are discussed below:

Economic - The proposal would contribute towards housing supply and future occupants may work locally, support local services and make a contribution to the local economy. However, the economic benefits are considered to be minor.

Community/Social - the proposal is deliverable and would contribute to the supply of housing required to meet the needs of present and future generations. However, there are few services and facilities within the village of Gedney and the site is not readily accessible to existing services and facilities other than by motor vehicle. The proposal would not bring significant community benefits.

Environmental - the site is located at a transition point within the village where development becomes more spacious prior to entering open countryside. Replacement of a single timber clad bungalow by two bungalows would result in an urban form that would significantly harm the rural character and appearance of the site and its immediate environs.

Consequently, it is considered that the proposed development would not provide a sustainable location for new housing having regard to the character and appearance of the area. Therefore, it would conflict with Local Plan Policy 1 which seeks to direct development within settlement boundaries and with Local Plan Policy 2, which requires developments that respect the character and appearance of the area among other things. The proposal would also conflict with paragraph 127 of the Framework, which states that planning policies and decisions should add to the overall quality of the area and be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Concluding, therefore, residential development is not considered necessary in this location and doesn't meet the sustainable development needs of the area in terms of community or environmental benefits. The proposal is not therefore in accordance with Policies 1, 2 and 3 of the SELLP.

Heritage

The existing bungalow is a timber-framed rural structure of both a historic and rare nature. However, whilst it is regrettable that the structure should be lost, such buildings were never intended to be permanent features and so it is understandable that it should make way for more suitable accommodation.

The site also adjoins garden historically associated with Granite House, which is a grade II listed building.

Policy 29 (The Historic Environment) suggests that proposals that do not preserve or enhance the setting of a listed building should not be supported. This is consistent with advice within the National Planning Policy Framework, 2021. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 indicates that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from

development within its setting), should require clear and convincing justification.

Granite House itself is located some 80 metres to the south-west fronting Chapelgate, with the rear of the property facing the site. It is not readily visible at this point along Blazegate due to existing buildings, structures and planting. A barn to the west associated with Granite House recently received planning permission for conversion to a pair of semi-detached dwellings. Taking the aforementioned factors into account it is considered that the erection of two dwellings upon the site would not harm the setting of Granite House.

The proposal therefore satisfactorily accords with Policies 2 and 3 of the SELLP in terms of heritage issues.

Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The nearest residential property to the site is a barn to the west that recently received planning permission for a residential conversion to two dwellings. Garden associated with Granite House is located to the south-west. It is considered that two bungalows could be satisfactorily accommodated upon the site without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, noise and disturbance, etc.

The proposal therefore accords with Policies 2 and 3 of the SELLP in terms of amenity.

LCC Highways

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces should be provided for dwellings of 4 bedrooms or more.

The indicative site layout plan makes provision for a new vehicular access of Blazegate. LCC Highways have been consulted and consider that the development would not be expected to have an unacceptable impact upon highway safety. They have therefore raised no objections on highway grounds.

The proposal therefore accords with Policies 2, 3 and 36 of the SELLP in terms of highway safety/parking requirements.

Flood Risk

Policy 4 of SELLP is concerned on flood risk management and states, inter alia, that new development should pass the sequential test and should incorporate the use of Sustainable Drainage Systems (SuDS), unless it is demonstrated that it is not technically feasible.

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision-making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The Environment Agency's Flood Maps 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. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. 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 South East Lincolnshire SFRA indicates that the site is located within an area identified as Danger for Most. There are areas elsewhere within the district that are of lower flood risk. The proposal therefore fails to satisfy the sequential test. It is considered that the proposal would not provide wider sustainability benefits to the community that outweigh flood risk. The proposal is therefore contrary to Policies 2 and 4 of the SELLP and advice within paragraphs 161-163 of the National Planning Policy Framework, 2021.

In terms of drainage, the application form indicates that surface water would be disposed of via soakaways. Drainage could be addressed by means of conditions if permission was forthcoming.

Other matters

Addressing outstanding concerns raised by objectors:

Cesspit currently on neighbouring land and causing pollutant/flooding issues. Careful consideration should be given to location of new drainage system - Drainage could be addressed by means of conditions if outline permission was forthcoming. Drainage easements are a separate legal matter.

Garden area of Field Bungalow and Granite House experiences flooding. This would be exacerbated if two properties built - This matter could be addressed by means of conditions if outline permission was forthcoming.

New access should not prejudice existing frontage drain - This is a drainage matter that could be addressed by means of conditions if outline permission was forthcoming.

All asbestos should be professionally removed - This matter falls within the remit of the Health and Safety Executive.

Any historic cables across Granite House are obsolete and should be removed from the plans - The provision/location of services would be addressed at the reserved matters stage if permission was forthcoming. Easements over neighbouring land are a separate legal matter.

Topographical survey necessary - Details of existing/proposed levels would be required if permission was forthcoming.

Planning Balance

There is no necessity for two dwellings in this countryside location, as opposed to a single replacement. Moreover, the development would not be readily accessible to existing services and facilities other than by motor vehicle. Also, the site is located at a transition point on the fringe of the village where development becomes more spacious prior to entering open countryside. Replacement of a single timber clad bungalow with two bungalows would result in an urban form that would significantly harm the rural character and appearance of the site and its immediate environs.

Consequently, it is considered that the proposed development would not provide a sustainable location for new housing and is contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019. Policy 1 indicates that that development will be permitted in the countryside that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Policies 2 and 3 indicate that sustainable considerations should be met in terms of impact upon the character and appearance of the area and the relationship to existing development and land uses.

The above policies are consistent with advice within the National Planning Policy Framework, 2021. Section 2 is geared towards the achievement of sustainable development. Paragraph 174 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character of the countryside. Paragraphs 124 and 130 indicate that new development should be sympathetic to and maintain an area's prevailing character.

Moreover, the site is located within Flood Zone 3 of the Environment Agency's Flood Maps and an area identified as "Danger for Most" within the South East Lincolnshire Strategic Flood Risk Assessment. There are areas elsewhere within the district that are of lower flood risk. The proposal therefore fails to satisfy the sequential test. It is considered that the proposal would not provide

wider sustainability benefits to the community that outweigh flood risk. The proposal is therefore contrary to Policies 2 and 4 of the SELLP and advice within paragraphs 161-163 of the National Planning Policy Framework, 2021.

There are no factors in favour of the proposal that would outweigh the harm identified above.

Conclusion

For the reasons outlined above it is recommended that the application be refused under 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.