DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-0099-23**	**Applicant:**	**Mr A King**
Proposal:	Demolition of existing bungalow & outbuildings & erection of chalet bungalow - re-submission of H07-0818-22		
Location:	The Conifers 84 North Road Gedney Hill		
Terminal Date:	31st March 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
22	Replacement Dwellings in the Countryside
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	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for the demolition of the existing bungalow and erection of one two storey 4 bed house with a double attached garage. On the ground floor there would be a porch, study, living room, w/c, utility, kitchen, snug, bathroom and a double garage. On the first floor there would be a family bathroom and 4no bedrooms; 1 of which would be an en-suite.

The dwelling is proposed to be constructed from brickwork and timber cladding with upvc windows (no further details have been submitted).

The northern, eastern and southern boundaries would have 1.8 metre high closed boarded fencing and the front boundary would have a laurel hedge. The access and driveway would be gravelled and the rear garden would be laid to lawn.

The application is a re-submission of a previously refused scheme (H07-0818-22). The plans remain the same and the only difference is the application now includes further energy efficiency details.

Site Description

The site is located on North Road in Gedney Hill. The site is outside any defined settlement boundary and within the open countryside. It comprises a modest sized bungalow of red brick construction. The site is enclosed by hedging. There is a gravelled driveway to the side, leading to garages towards the rear. The immediate area is primarily open countryside with the site being part of a small ribbon of development comprising residential and agricultural developments. The site is within flood zone 3.

History

H07-0818-22 - Demolition of existing bungalow & outbuildings & erection of chalet bungalow - Refusal 15/12/2022

Consultation Responses

South Holland Internal Drainage Board

No objections subject to the submission of a drainage strategy and compliance with the Boards Bylaws.

LCC Highways/SUDS Authority

No objections provided the existing vehicle access crossing (the part that crosses the highway verge) is upgraded to the highway authority's current vehicle access crossing specification i.e. with a sealed bitumen macadam surface, so as to reduce the likelihood of loose gravel being brought onto the public highway.

Planning Considerations

Principle of development

The site is located outside of any settlement boundary and within the open countryside however, given there is already a residential dwelling present on the site, the principle of a replacement dwelling would be accepted subject to the below criteria set under Policy 22 of the SELLP:

1. the residential use of the building to be replaced (the original building) has not been abandoned;
2. the original building is permanent, has not become derelict and is not the result of a temporary permission;
3. the original building is not of architectural or historic merit and is not capable of repair;
4. the replacement building is of a high standard in terms of architectural detailing and materials of construction;
5. the replacement building is positioned on a similar footprint to the original building unless it can be demonstrated that the re-positioning would have beneficial impacts such as improving the character and appearance of the site and its locality; and
6. the replacement building does not exceed the floor area of the original dwelling by more than 40%, unless the development is of exceptional quality or innovative in nature in terms of its design, use of materials and levels of energy efficiency.

With regard to the first criterion, the dwelling to be replaced has not by its condition or subsequent use led to the abandonment of its residential use.

In regard to the second criterion, the building is in good condition and there is no evidence of dereliction. The building was constructed to be of permanent residential use and such use has been never temporary.

Turning into the third criterion, the dwelling is a relatively modest detached bungalow. The building has no historic interest. It is considered that the building and its setting has neither architectural or historic significance to be retained. The building appears to be in a good condition and could easily be made habitable again.

Concerning the fourth criterion, the proposed materials schedule is considered acceptable (some materials to be confirmed) and in keeping with the character of the area. The proposed bungalow would be replaced by a chalet style bungalow. It is by no means considered that the proposed dwelling would be of low standards and visually intrusive to the extent which it would detract from the rural character of the area.

Turning into the fifth criterion, the majority of the proposed dwelling would be set further back into the site by between 2.5 and 3.5 metres. It might be considered that the replacement building is positioned in a similar position as the existing bungalow but it would have a significantly bigger footprint. No evidence has been raised to demonstrate the benefits of such an increase.

In respect of the sixth criterion, the footprint of the replacement dwelling will amount to an increase of approximately 320% and therefore significantly more than the 40% increase allowed under Policy 22. Given the countryside location it is not considered that this significant increase is justified. The development is not considered to be of exceptional quality or innovative in nature in terms of its design, use of materials and levels of energy efficiency. The current application remains the same as the previously refused scheme in terms of its design, footprint and materials. The only difference is additional energy efficiency details which show the proposed dwelling to have an energy rating A. However, unfortunately this is not considered sufficient to allow such an increase in the footprint and does not therefore comply with point 6 under policy 22.

Although the design and layout will be appropriate to the site and the semi-rural character of the wider area, the proposals are not of exceptional quality or innovative in nature to allow such an increase in footprint.

As such the replacement dwelling is not considered to accord with Policy 22 of the SELLP.

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 design and materials of the proposed dwelling remain the same as the previously refused scheme.

The proposed replacement dwelling would have a considerably bigger footprint to the existing, however, is on balance considered to be proportionate to the size of the plot and would retain sufficient amounts of outdoor amenity space. It would not be out of character with the footprint of neighbouring dwellings. As such it is not considered that the proposal results in overdevelopment of the site. The front area would be sufficiently spacious for a driveway providing off-street parking for at least 3no vehicles. The site would be enclosed by a 1.8 metre high close boarded fence along the side and rear boundaries with a laurel hedge along the front. Internally all the proposed bedrooms would be above the minimum space standards and the future householders would enjoy good living conditions.

There is no strong built character in the immediate area therefore the proposed design and materials (some materials to be confirmed) are considered acceptable and not out of character with the area.

As such the proposed development is considered acceptable in terms of its appearance and impact on the street scene.

Residential amenity

Paragraph 130 of National Planning Policy Framework (2021) 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 proposal remains the same as the previously refused scheme therefore the impact on neighbouring amenity also remains the same.

With regards to the neighbour to the north-east at no.86 North Road (two storey dwelling), the proposed replacement dwelling would be sited approximately 2.8 metres from the shared boundary and approximately 6 metres from this neighbours nearest elevation. Give this neighbour has a much greater rear projection than the proposed replacement dwelling and the fact it does not have any primary windows in its side elevation facing the application site, the proposed dwelling is not considered to result in any overbearing impact or unacceptable overshadowing on this neighbour. In addition, no first floor windows proposed in the side elevation facing this neighbour therefore no overlooking or loss of privacy would result.

In respect of the neighbour to the south-west at no.82 North Road (bungalow) the proposed development would bring the dwelling closer to this neighbour, however it would still be sited 3.2 metres from the shared boundary and approximately 7.4 metres from its nearest elevation. The element closest to this neighbour would be the single storey garages. As such it is not considered that any overbearing impact would result. No first floor windows are proposed directly facing this neighbour and any ground floor windows in the side elevation would not result in overlooking or loss of privacy as there would not be any prominent views above the 1.8 metre boundary fence proposed.

As such there are no neighbouring amenity concerns and the replacement dwelling is considered to accord with the above mentioned policies.

Highway safety and car parking provision

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. Three spaces for dwellings with 4+ bedrooms should be provided within the curtilage. The proposed dwelling would have 4 bedrooms therefore 3no parking spaces would be required. The proposed driveway layout would be sufficient for at least three cars that could enter and egress the site in a safe and forward manner. In addition, the double garage meets the size requirements for enclosed parking spaces. Overall, the proposals would exceed the current minimum parking standards.

In addition, the Local Highway Authority has not raised any concerns with the proposed scheme as the existing access to the site would be utilised and adequate off-street vehicle parking and manoeuvring space is proposed. It is however, advised that the access is upgraded to the highway authority's current vehicle access crossing specification i.e. with a sealed bitumen macadam surface, so as to reduce the likelihood of loose gravel being brought onto the public highway.

Flood risk and drainage

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. 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 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.

Large parts of the South Holland district that are near the River Nene lie within Flood Zone 3. As such, the opportunities to undertake the development at an alternative site with a lower flood risk are limited. At this location it is not possible to position the development on higher ground within the proposed site.

The site for the proposed development is shown to be within Flood Zone 3 as detailed on the Environment Agency's Flood Zone Maps without defences. Although the site is in flood zone 3, and the actual risk of the site flooding from any Environment Agency or IDB watercourse is very low due to the maintenance standards achieved and managed by the IDB. During the design life of the development, it is not anticipated that the site would flood. The site benefits from defences on the River Nene and River Welland that provide protection during a 0.5% annual probability (1 in 200 chance each year) tidal event and a 1% annual probability (1 in 100 chance each year) fluvial event. The SFRA considers the residual risk associated with overtopping and a breach in the defences in 2115. The maps show that the site is not at risk.

The SFRA advises that there would not be an unacceptable risk of flooding provided the finished ground floor levels of the dwelling are set 0.3m above the existing average ground level and there should be 0.3m of flood resilient construction above finished floor. This accords with the Environment Agency's Flood Risk Mitigation Policy to ensure 'safe' development. The proposed development is made safe from flood risk by ensuring the floor levels of the proposed dwelling is above the predicted residual flood levels in a 1 in 200-year event in 2115 for this area.

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

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).

South Holland Internal Drainage Board has advised that a drainage strategy should be provided for the site. If the applicant proposes to discharge surface water to a watercourse, consent would be required under Byelaw 3. 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. The applicant should confirm if there are any riparian owned/maintained watercourses within or adjacent to the site boundary. 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).

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.

Planning balance

The principle of a replacement dwelling is not acceptable as its footprint would increase significantly more than 40%. Although the proposed dwelling would have a good energy rating, its materials and design are not considered to be of exceptional quality or innovative enough to allow an increase in footprint by some 320%.

The siting, external materials, and mean of enclosures would be sympathetic with the neighbouring land uses and the semi-rural character of the area. The footprint of the dwelling would sit well within the plot. No unduly 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. Flooding would also be prevented by way of flood risk mitigation measures.

On balance, any adverse impacts of granting permission to the proposals would significantly and demonstrably outweigh the benefits, 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, whilst the scheme complies with policies 2, 3, 4, 10, 11, 17, 22, 28, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) and Sections 2, 5, 11, 12, 14 and 15 of National Planning Policy Framework (2019), it is not considered to comply with Policies 1, and 22 of the SELLP.

Accordingly, it is recommended to refuse 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 is refused under delegated powers.