DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-0619-23**	**Applicant:**	**County Builders Construction Limited**
Proposal:	Erection of a dwelling involving demolition of existing dwelling and outbuildings		
Location:	The Conifers 84 North Road Gedney Hill		
Terminal Date:	1st September 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
22	Replacement Dwellings in the Countryside
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 planning application is for the proposed erection of a replacement dwelling involving the demoltiion of an existing dwelling, at The Conifers, 84 North Road, Gedney Hill.

Site Description

The Conifers is a small bungalow along North Road, with a detached garage. Whilst the site and the overwhelming majority of the immediate setting forms residential ribbon development to the North of Gedney Hill, this site is not contained within the settlement boundary of Gedney Hill. The surrounding area, as mentioned is characterised largely as ribbon development, particularly on the eastern side of North Road, with the western side playing host to a number of larger properties with wide, open curtilages. All properties along this road back out onto open countryside.

History

H07-0818-22

Demolition of existing bungalow & outbuildings & erection of chalet bungalow. REFUSED on 15-12-22

H07-0099-23

Demolition of existing bungalow & outbuildings & erection of chalet bungalow - re-submission of H07-0818-22. REFUSED on 22-03-23.

Consultation Responses

Lincolnshire County Council as Lead Local Highways and Flood Authority

No objections subject to the inclusion of Highways Informative 03

South Holland Internal Drainage Board

The Board raises no objection and informs the applicant of their obligations under Byelaw 3 (Surface Water) and Byelaw 3 (Treated Foul Water), Section 23 of the Land Drainage Act, 1991 and Byelaw 10.

South Holland District Council Environmental Protection

No comment

Planning Considerations

Principle of Development

The proposal site sits outside of any defined settlement boundary, and therefore the principle of development is called into question for the erection of a new dwelling. However, as the proposal is for a replacement dwelling, then it can be determined in accordance with Policy 22 of the South East Lincolnshire Local Plan (2019) (SELLP) and as such, provided the proposal can meet the stipulations of that policy, the principle of development in such a situation can be considered to be acceptable - this will be discussed later in this report.

The site is also within Flood Risk Zone 3 and as such sits in an areas considered to have the highest possible risk of flooding. The Proposal is for a replacement dwelling, however and it cannot be demonstrated that there is a viable alternative site for this proposal and as such, the proposal passes the sequential test. A flood risk assessment (FRA) has been carried out and submitted in supplement to this application. The included FRA confirms that the actual risk of flooding is low and therefore passes the exception test, subject to the raising of the Finished Floor Levels being 0.3m higher than the surrounding ground level - this will be achieved by means of condition.

For the reasons listed above, the principle of development is established contingent upon satisfaction of Policy 22 of the SELLP.

Policy 22 of the SELLP, 2019

The proposed development is for the replacement of an existing dwelling in the countryside (defined in Policy as being outside of the settlement boundary). Therefore, it can be determined in accordance with Policy 22 of the SELLP. Policy 22 confirms that such forms of development may be permitted where:

"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."

Points 1-3 of the above are addressed by the nature of the extant structure - the residential use has clearly not been abandoned, showing recent signs of residential use, the existing building is not derelict nor placed as the result of a temporary permission, and is not of any architectural merit.

Point 4 is a subjective matter, however, this office confirms that the proposed design is considered to be of a high standard of design and the materials of construction shall be established by means of condition to ensure that a high quality of materials are employed on the site.

The proposal is situated on a similar, though not identical footprint to the extant building, with the main property being shifted slightly to the north and the garage shifted slightly further north and west. Both overlap substantially over their extant equivalents, however, and are therefore considered to be satisfactory under Point 5.

Finally, point 6 of the above confirms that the floor area of the proposed replacement cannot exceed the original floor area by more than 40%, unless the proposal is of exceptional quality or innovative in terms of design, materials and levels of energy efficiency. The existing footprint of the property is 69sqm, with the proposed being 93.7sqm - an increase of 24.7sqm, which is equivalent to 35%, making this proposal satisfactory under point 6 of this Policy

As such, for the reasons listed above, this application is deemed to be in accordance with Policy 22 of the SELLP

Design and Layout

The Local Planning Authority does not wish to object to the design or layout of the proposal. The proposed design is of an appropriate and attractive nature that is within the bounds of the local vernacular in terms of scale, massing, plot widths etc and as such, whilst offering a slightly more contemporary appearance than many of its neighbours, is a product of its time and not at all alien to

the setting.

The proposed layout appears to be suited to the proposed use of the site, with logical and reasonable positionings both in terms of interior layout and the positioning of structures on the site.

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.

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 4.1 metres from the shared boundary and approximately 7.4 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 11.6 metres from the shared boundary at the house's elevation (2m from the garage) and approximately 16 metres between the proposed house and the nearest neighbouring elevation (6.5m from the proposed garage). 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.

Vehicular Access and Parking Provision

The Lincolnshire County Council Highways Authority have been consulted and raised no objections to the proposed vehicular access and parking. In accordance with Policy 36 and Appendix 6 of the SELLP, a 3 bedroom property such as is proposed by this application must have a minimum of 2 private parking spaces incorporated into the proposal. The proposal features a compliant 2-car garage as well as a large driveway incorporating space for at least an additional 2 cars, leaving room for turning and manoeuvring. Therefore, the proposal is deemed to be satisfactory from the perspective of Policy 36 and Appendix 6 of the SELLP.

Flood Risk

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) (SFRA) 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

In the Planning Balance, the proposal meets all of the requirements of Policy 22 of the SELLP, establishing the acceptability of the proposal as a replacement dwelling in a countryside setting. 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. Therefore, there is deemed to be no material factors against which to balance a recommendation to approve.

Conclusion

For the reasons listed above, this application is considered to be in accordance with Policies 1, 2, 3, 4, 22, 36 and Appendix 6 of the SELLP as well as Sections 2, 5, 11, 12, 14, 15 of the NPPF. Therefore, the recommendation is to approve.

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.