

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H07-0989-21 **Applicant:** Mr S Kennally

Proposal: Demolition of existing single storey dwelling and erection of three single storey dwellings.

Location: Sunray 21 Hillgate Gedney Hill

Terminal Date: 16th November 2021

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 3. Plan making.
Section 4. Decision making.
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.
Section 16. Conserving and enhancing the historic 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
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of 3 no. 3 bed bungalows. The properties would be constructed in Wienerberger Heathfield bricks with a slate or pantile roof.

Description

The site (some 0.15ha) is currently occupied by a bungalow (Sunray) set well back on the plot. Nos. 17 and 19 Hillgate (chalet bungalows) are located to the north-west fronting Hillgate and two recently constructed bungalows (ref. H07-0922-19) are situated to the north beyond a shared private roadway. Holy Trinity Church (Grade II* listed) and a listed cross (Grade II) are situated beyond, plus boundary hedging and trees within the graveyard. A bungalow (no. 23) is located to the south with 1.8m fencing on the common boundary.

Recent Planning History

None

Representations

Gedney Hill Parish Council

No response.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

SHIDB

Recommend drainage strategy. 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.

LCC Archaeology

Recommend a scheme of archaeological works.

Nature Conservation Officer

Recommend pre-commencement Planning Condition with regards to a bat survey.

Public

No response.

Material Planning Considerations

The main issues in this case are:

- Policy/principle;
- Whether the proposal would harm the character/appearance of this part of the village and/or setting of nearby listed buildings;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flooding, drainage and archaeology.

Principle/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.

Other than a sliver of land at the rear the site is inside Gedney Hill Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Minor Service Centres, including Gedney Hill, 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 allocated and committed sites and infill.

The site is not allocated or frontage infill. However, the development doesn't significantly extend beyond existing development adjoining the site and is within the village fabric. It is a sustainable location and is not therefore contrary to the aims and objectives of Policy 1.

Character/appearance

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 stipulates that development should complement and enhance designated and non-designated heritage assets and respect the massing of neighbouring buildings. Policy 29 (The Historic Environment) suggests that proposals that do not preserve or enhance the setting of a listed building should not be supported.

The above policies are 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.

The character of the area is defined by a mixture of dwelling types, including both houses and bungalows. Chalets are located to the north-west along the frontage and recently constructed depth development immediately to the north (2 no. bungalows). Bungalows are situated to the south. Depth development is also located opposite and to the north of the church (The Coppice).

The proposed bungalows have been designed to resemble almshouses with steep pitched roofs, gable features and stone parapets, cills and lintels. They are of similar appearance to the

bungalows to the north and would be constructed in red brickwork with a slate or pantile roof. It is considered that the proposed development would not materially harm the character or appearance of the centre of the village or the setting of listed buildings to the north, including Holy Trinity Church (Grade II* listed). The proposal therefore satisfactorily complies with Policies 2, 3 and 29 of the SELLP in this respect.

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 properties are nos. 17 and 19 Hillgate (chalet bungalows) to the north-west fronting Hillgate and two recently constructed bungalows (ref. H07-0922-19) to the north beyond a shared private roadway. A bungalow (no. 23 Hillgate) and gardens associated with properties off Highstock Lane are located to the south.

Both side boundaries are de-lineated by boundary fencing. The side elevation of the dwelling on plot 1 would be 3.1 metres from the common boundary at its nearest point and would have a bathroom window on its southern elevation. The properties on plots 2 and 3 would be further away. Although they have lounge and bedroom windows on their southern elevation the amenity of No. 23 to the south would be protected by boundary fencing.

The bungalows on plots 2 and 3 have kitchen, bathroom and bedrooms on their front elevations and are approximately 12 metres from the bungalows on the opposite side of the private roadway. The separation distances are considered satisfactory in this case.

It is considered that the proposed bungalows could be accommodated without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. The proposal therefore satisfactorily complies with Policies 2, 3 and 30 of the SELLP in this respect.

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.

Each plot includes two parking spaces within its curtilage. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds. The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the SELLP in terms of highway safety/parking requirements.

Flood Risk

The site is within Flood Zone 1 and an area of no hazard within the South Holland Strategic Flood Risk Assessment, 2017. The proposal is therefore satisfactory on flood risk grounds. In this case, finished floor levels of 300mm are recommended.

Drainage

Foul water would be disposed of via a package treatment plant, with an outfall to a drainage field. Surface water would also be disposed of via soakaways, subject to satisfactory percolation test results. These matters should be made the subject of a condition.

Planning Balance

No objections are raised in principle to residential development in this location. The proposed bungalows reflect almshouses in terms of design/appearance and would not materially harm the character or appearance of the area or setting of nearby listed buildings, including Holy Trinity Church (Grade II* listed). The amenity of nearby residents would not be materially harmed in terms

of overlooking, lack of privacy, overbearing effect, overshadowing, noise and disturbance, etc. No objections are raised on highway safety/parking grounds. In terms of flood risk, the site is within an area of no hazard.

Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved 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.