DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-1252-21**	**Applicant:**	**Mr M Rowell**
Proposal:	Erection of Dwelling		
Location:	Adj. 22 Station Road Gedney Hill Spalding		
Terminal Date:	31st January 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
30	Pollution
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 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

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	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the erection of a 3 bedroom detached two storey dwelling adjacent to no.22 Station Road, Gedney Hill. A single detached garage is also proposed to the rear.

A two storey dwelling has already been approved on the site under application reference H07-0222-20. The proposed scheme proposed the following changes:

·Width of ground floor element at the rear increased
·First floor element increased
·Single garage to the rear
·Internal alterations to include a utility room on the ground floor and a study area on the first floor

Site Description

The proposed dwelling would sit within the curtilage of the existing bungalow (no. 22). It would be situated between two detached bungalows, one to the south and one to the north of the dwelling.

Dwellings to the north of 22 Station Road are mostly detached and situated on large, spacious plots. There are a mixture of single storey and two storey dwellings. However, it should be noted that a similar house design has been built on a similar sized plot on the other side of Station Road to the north.

The site currently accommodates a detached metal shed and other open storage facilities. The existing attached garage for no.22 would be demolished to accommodate the proposed development.

History

H07-0222-20 - Erection of detached dwelling - re-submission of H07-1155-19 - Approved

H07-1155-19 - Erection of detached dwelling - Refused 18-02-20.

Consultation Responses

LCC Highways

Does not wish to restrict the grant of permission subject to informatives.

South Holland Internal Drainage Board

Requests ground investigation and infiltration testing to be carried out in order to ensure the proposed drainage strategy is suitable. 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). If the applicant wishes to discharge treated foul water to a watercourse this proposal will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any alterations to a watercourse will require consent from the Board Byelaw 4).

SHDC Environmental Protection

I have reviewed the Goldfinch Environmental Limited report and am in general agreement with the findings. I make no further comment with respect to land contamination.

Resident

One letter of representation has been received from the adjacent neighbour at no.24 Station Road siting concerns that no surface/foul water should be allowed to drain onto the field to the rear.

Planning Considerations

Principle of development

The site is within Gedney Hill Settlement Boundary 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, helping to 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 proposal would be carried out on a plot between existing dwellings, therefore this development can be considered infill development. Furthermore, the intended dwelling could entail the arrival of new residents to Gedney Hill, or encourage existing residents of Gedney Hill to remain within the village, who would potentially use the services and facilities of the village, most of which are within a reasonable 500m walk of the site. Overall, it is deemed that the proposal would help sustain existing facilities in line with Policy 1 of SELLP. Therefore, the principle of development for the proposal on the application site would be acceptable.

Layout, design, scale and 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 indicates that development proposals should be high quality and be appropriate to the character and appearance of an area.

The above policies 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.

The plot itself is approx. 10m wide and 41m deep. The proposed dwelling would be approx. 1m from the boundary of the property to the south and approx. 3.35m from the side elevation of the property to the northern boundary.

The appearance of the proposed dwelling when viewed from the public realm would remain the same as the previously approved scheme. This application proposes changes to the rear of the site. The width of the ground floor element would increase and a first floor element is also proposed to the rear. A detached garage is also proposed to the rear of the site. The proposed increase in the footprint of the dwelling at the rear and the introduction of a garage is not considered to significantly or unacceptably change the overall appearance of the site. Sufficient outdoor amenity space would be retained therefore the proposal is not considered to result in overdevelopment of the site.

Although it is a two storey dwelling situated between two bungalows, the maximum height of the proposed dwelling is not such that it would be considered unacceptable in regards to design. The eaves height of the proposed dwelling would be lower than the ridge height of both of these bungalows. By means of comparison, No. 19b, which is a very similar dwelling, has an eaves height

greater than the adjacent bungalow.

Existing dwellings on this part of Station Road tend to be situated on larger and more spacious plots. Furthermore, the development will include removing the attached single garage to the bungalow situated to the south in order to accommodate the proposed dwelling. This demonstrates the fairly narrow nature of the site. However, it is accepted that there are two properties that have recently been built on narrow plots over the road (No's. 19a and 19b Station Road). The proposal now allows for vehicle access to the side of the property, like those other two properties, thereby making the dwelling look visually less cramped and more spacious to the northern part of the plot. The proposed appearance of the dwelling in considered to be acceptable in light of its comparability to No. 19b nearby.

The proposed development would also improve the visual amenity of the site by removing a relatively untidy area.

Given the above, it is considered that the proposed development complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 with regard to design, layout and scale. It also complies with Section B2 of the National Design Guide which require a site's context to be taken into consideration.

Impact upon Residential 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 current scheme proposes one new first floor window in the side elevation facing the neighbour at no.20 located to the north-east of the application site. Given the relationship with this neighbour it is considered necessary that this window is obscure glazed in order to avoid overlooking and loss of privacy. A condition has been appended to this effect.

In terms of overshadowing, the daylight and sunlight plan provided shows that there should be no adverse overshadowing effect on the two adjacent neighbours. As such the proposed increase in the footprint of the previously approved dwelling is considered acceptable.

The proposed garage would sit close to the shared boundary with no.20, however, given its single storey nature and modest height it is not considered to result in any unacceptable impact on this neighbour. In addition, the pitch of the roof would face away from this neighbour, therefore further reducing the impact.

Given the above, and the separation distance between the proposed dwelling and the existing property to the north of the application site (approx. 11m), it is considered that it would not have an adverse overbearing effect on this property. The separation distance between the proposed dwelling and the existing property to the south would be considerably less (2m) but the two side facing windows to the bungalow appear to be obscure glazed and a secondary window, so proximity should not be an issue.

Given the above, it is considered that it has been demonstrated that the proposal would comply with Policies 2 and 3 of the SELLP and paragraph 130 of the NPPF in respect of its provision for residential amenity.

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.

The proposed development is in a defended floodplain. It is in the floodplain of the River Nene and River Welland protected during the 0.5% annual probability (1 in 200 chance each year) tidal event. During the design life of the development, including an allowance for climate change, it is not anticipated that there would be flooding at the site.

The site is located within an Internal Drainage Board catchment with a minimum standard of drainage of 2% annual probability (1 in 50 chance each year) which accords with DEFRA guidelines for rural development. The risk of flooding is lowered further due to the South Holland IDB high priority
watercourses incorporating a significant freeboard. This provides storage during events greater than 2% annual probability (1 in 50 chance each year).

It is recommended that the floor level is 0.3m above ground levels at the site with 0.3m of flood resilient construction above finished floor level. Surface water run-off from the development should be discharged to soakaways to BRE365 design requirements so that adjoining land and properties are not affected.

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).

With regard to drainage, the proposal is for soakaways to be utilised. However, Gedney Hill is an area that is known for lesser soil permeability and so a condition will be added requiring infiltration testing to ascertain the suitability of ground conditions for soakaways.

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.

Parking Provision

Policy 36 of the South East Lincolnshire Local Plan, 2019 emphasises that all new development should comply with the local authority's parking standards and that parking should be integral within the design. Appendix 6 of the Local Plan sets out minimum parking standards and requires a minimum of 2 vehicle parking spaces for dwellings with up to 3 bedrooms and 3 spaces for dwellings with 4+ bedrooms.

When looking at the proposed development, it can be seen that there is a driveway to the front of the proposed dwelling and an area to the side of the property that is suitable to park a minimum of 3 cars. Therefore, the parking provision complies with the standards set out in Appendix 6 of the South East Lincolnshire Local Plan, 2019.

Planning Balance

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 principle of residential development on the application site is acceptable when assessed against Policy 1 of the Local Plan. The character of the proposed dwelling is similar to other dwellings that can be seen down Station Road, and is therefore deemed as acceptable. It is not considered that the proposal would result in a material adverse impact on residential amenity.

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

Taking into account the considerations above, the proposal is considered to comply with Policies 1, 2, 3, 4, 10, 11, 28, 36 Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019 and Sections 2, 3, 4, 5, 11, 12 and 14 of the National Planning Policy Framework (NPPF), 2021.

The recommendation is therefore for a delegated 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.

Recommendation

That the application be approved under delegated powers.