

DECISION DELEGATED TO HEAD OF PLANNING

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Application No: H12-0463-23 **Applicant:** Mr Eagling

Proposal: Proposed Dwelling

Location: Land Adj 66 Gedney Road Long Sutton Spalding

Terminal Date: 11th July 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy

02 Development Management

03 Design of New Development

11 Distribution of New Housing

17 Providing a Mix of Housing

29 The Historic Environment

36 Vehicle and Cycle Parking

APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework 2023

Sections 5 and 12 of the National Planning Policy Framework (2021) (NPPF)

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
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	1	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This full planning application is for the erection of a proposed 3 bedroom dwelling.

The proposed dwelling would be of a 1.5 storey, 3 bay frontage design with front and rear dormer windows. Front elevation to also feature a gallows porch, rear elevation to feature 1 single door to the eastern end, a central double door, 1 ground floor window, as well as 2 dormers and a central roof light. The roof is proposed to be a half-hipped format.

The external footprint is proposed to be rectangular, being the following: 7.865m(D) x 8.54m(W)

The height of the property at the apex of the roof would be 8.001m, with the height at frontage eaves being 4.205m

Site Description

The proposal site sits within the domestic curtilage of the adjacent property, known as 'Sunningdale'. At the time of this application, Sunningdale is unoccupied, and is undergoing what appears to be extensive renovation works. The property itself is a relatively unremarkable, large mid-C20th property. The site is positioned at the corner of Gedney Road and Dockings Holt and fronts both roads with large, very high conifer hedges, such that the site is not easily visible from the roadside.

Being set on Gedney Road, the site is positioned along one of the main thoroughfares through Long Sutton. However, the site is not within a conservation area, nor is it within close visual range of any designated heritage assets.

The area in general is characterised by C20th residential development. The adjacent 64 Gedney Road is a C20th Bungalow, which features 3 prominent windows which have an outlook over the proposal site.

History

None relevant.

Consultation Responses

Resident Comments

1 Local resident submitted an objection. The objector raised concerns regarding the potential loss of privacy to nearby residential properties and also suggesting that the proposed driveway would be dangerous to emerge from given the busyness of Gedney Road.

Lincolnshire County Council as Lead Local Highways and Flood Authority

No Objections. Requests that Highways Informative conditions 03 & 08 be applied to any approval determination.

South Holland Internal Drainage Board

Byelaw 3 (Surface Water)

The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

Byelaw 3 (Treated Foul Water)

I note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991

I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. 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).

Byelaw 10

There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Lincolnshire County Council Historic Environment Officer

No archaeological input required

South Holland District Council Environmental Protection Officer

No Objection

Planning Considerations

Principle of Development

The application site is within the settlement boundary of Cowbit. It is thus considered that the development of this site for one dwelling would be acceptable in principle, and in line with the policies of the SELLP and the NPPF. Therefore, the principle of development is considered to be acceptable in this instance.

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) (SELLP)

Policy 2 of the SELLP seeks to establish considerations of sustainable development. The policy confirms that development shall be supported where these considerations are met in relation to:

"1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;

2. quality of design and orientation;

3. maximising the use of sustainable materials and resources;

4. access and vehicle generation levels;

5. the capacity of existing community services and infrastructure;

6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;

7. sustainable drainage and flood risk;

8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets; and

9. impact on the potential loss of sand and gravel mineral resources."

The Local Planning Authority (LPA) is not satisfied that the proposed development meets sections 1 or 6 of the above.

To confirm, the LPA is satisfied that the proposal would or could meet 2, 3, 4, 5, 7, 8 and 9 of the above. This is because of the following:

- The design of the proposed dwelling is relatively attractive and non intrusive to the setting.
- There is no evidence to suggest that the proposal would have a negative or harmful use of non-sustainable materials
- The proposed access is deemed to be satisfactory by both the LPA and the Local Highways Authority and as a single dwelling in a residential setting, it is not considered that this development would lead to a permanent, undue and unsustainable amount of additional vehicle traffic.
- As Long Sutton is a major established settlement with ease of access to services, employment, entertainment and public infrastructure, it is not determined that this proposal for a single residential dwelling would place undue and unsustainable pressure on the capacity for these local services.
- The applicant has confirmed their intent to drain surface water via infiltration, and foul water into the local sewer network. The Local Internal Drainage Board have been consulted and have not objected to the proposal on either drainage or flood issues, the same also applies to the Lincolnshire County Council Lead Local Flood Authority. The setting is within flood risk zone 3, which is the highest possible level of flood risk, however, the attached Flood Risk Assessment (FRA) confirms that the actual risk of flood within the lifetime of the development is low, and confirms that the proposal can be satisfactory from a flood risk perspective, provided that numerous mitigation strategies were employed, including the setting of the FFLs to 0.3m above ground level and the placing of all sleeping accommodation at above ground floor level. These could be ensured by means of condition.
- There are no nearby heritage assets, or protected habitats within close proximity and it is not felt that the proposal would have an undue effect upon.
- There are no known gravel or mineral resources in this location that could be impacted upon by this proposal.

Nevertheless, as identified above, it is not considered that the proposal meets sections 1 or 6 of Policy 2 of the SELLP.

Section 1 is fouled by this proposal on the grounds of the preservation of residential amenity. the adjacent 64 Gedney Road features 2, which is a bungalow, features 3 ground floor windows on its western elevation, 2 of which would be directly impacted by the eastern wall of the proposed dwelling. The effected elevation would be situated roughly 2m away from the proposed development with a entirely blank wall, with a ground floor window which would look directly into the centre window on the extant 64. The resultant inevitable loss of light, outlook and privacy for 64 would represent an unacceptably harmful impact upon that property's residential amenity. Additionally, by the same consideration, section 6 of the above Policy 2 is in conflict, by representing a visual intrusion to the outlook of domestic space within 64 Gedney Road.

Additionally, Policy 3 of the SELLP seeks to establish standards of design which must be factored into the determination of any application. Policy 3 establishes that consent will be granted provided that (amongst other considerations) a proposal will ensure that "11. residential amenity". As established above, the loss of light and privacy to 64 Gedney Road would have an unacceptable impact upon the residential amenity of that property and as such, the proposal fails to meet the requirements of Policy 3 of the SELLP in addition to Policy 2.

Parking Provision

The proposed development would feature a large driveway with sufficient parking for more than 2 vehicles, which is in line with the requirement of Policy 36 and Appendix 6 of the SELLP. Furthermore, LCC highways authority were consulted on this application and raised no objection.

Conclusion

For the reasons listed above, this application is deemed to contradict the requirements of Policies 2 and 3 of the SELLP. Therefore, the recommendation is to refuse consent.

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.