

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H12-0883-23	Applicant:	Mr Eagling
Proposal:	Proposed Bungalow - re-submission of H12-0463-23		
Location:	Land Adj. 66 Gedney Road Long Sutton Spalding		
Terminal Date:	20th December 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
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2023**

Sections 2, 3, 4, 5, 11, 12 and 14 of the National Planning Policy Framework (2023) (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
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 erection of a Bungalow on the Land Adjacent to 66 Gedney Rd, Long Sutton. The application is a re-submission of H12-0463-23

The proposed structure is of a 3 bay design. Bungalow in format, with a maximum height at roof apex of ~5.197m (+ 1m of flood mitigation raised FFL)

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

H12-0463-23

Proposed Dwelling. Refused on 02-10-23.

H12-0463-23

Proposed Dwelling. Approved on 02-10-23.

Consultation Responses

South Holland IDB

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.

SHDC Environmental Protection Officer

No comments

Lincolnshire County Council Highways and Lead Local Flood Authority

No objection:

This is a re-submission of Application number H12-0463-23 that was refused Consent for a reason that was unrelated to highway matters. The highway authority raised no objection to that previous Application and does not wish to object to this re-submission. The highway authority's response to the consultation on the previous Application is therefore repeated below.

The proposed dwelling is to be constructed on part of the residential curtilage of an existing property, number 66 Gedney Road. The retained, existing dwelling would continue to be accessed via Docking's Holt and the proposed dwelling would be accessed via a new vehicle access onto Gedney Road. This will involve removal of the host dwelling's existing frontage conifer hedge. Once done, there will be sufficient visibility at this point for drivers to be able to see a sufficient distance in both directions along this 40 mph restricted road and thus be able to safely enter the public highway. Sufficient space is to be provided within the site for vehicle parking and manoeuvring so that drivers will be able to leave and enter the highway in a forward gear. There is an existing footway along the site side of Gedney Road to provide safe pedestrian access. In view of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application.

Requests that Highways Informative 03 & 08 be added to any approval.

Planning Considerations

The main issues are:

- Principle;
- Flood Risk;
- Character and amenity;
- Highway safety.
- Other material considerations

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2021) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local

Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted. The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment

Principle of Development

The site is inside Long Sutton Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 indicates that within the settlement boundaries of the Main Service Centres, including Long Sutton, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in terms of sustainability.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Main Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

Para 69 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The application site in this instance is within Long Sutton, a Main Service Centre, and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of residential development within this location is considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

Flood Risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken.

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 SFRA indicates that the site is within an area identified as "Danger for Most". However, there are not reasonably available alternative sites within the settlement of Long Sutton appropriate for the proposed development located in areas with a lower risk of flooding. In this respect, the Authority views reasonably available sites as those that are deliverable and developable (as defined by the National Planning Policy Framework) for the use proposed within the area, can accommodate the general requirements of the development and are, in principle, in conformity with the objectives and advice within the NPPF and its associated National Planning Practice Guidance relating to sustainable development and flood risk.

It is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding. The exceptions test should therefore be applied. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The NPPF and the PPG set out two elements to the Exceptions Test.

First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, sustainability issues within South East Lincolnshire are addressed within the South East Lincolnshire Local Plan, 2019. In this respect, the site is within Long Sutton settlement boundary, which is one of the largest settlements within the district. Development is needed in this area to sustain the existing community. The proposal scores positively against the aims and objectives of the Local Planning Authority's sustainability appraisal and would provide wider sustainability benefits to the community that outweigh flood risk. This includes the provision of additional sustainable housing within the district to meet the needs of the population, as required by the National Planning Policy Framework (2023).

Concerning the second element, the included Flood Risk Assessment outlays the mitigation methods which ensure that the proposal would be safe for its lifetime - the residual peak depth flood map within the SFRA indicates that the peak depths in this location would be between 0.5-1m. The proposal seeks to mitigate by raising FFLs to 1m above ground level with an additional 0.3m of flood resilient construction above FFL.

The above is considered to be acceptable mitigation against the assessed risk.

Design, Character and Impact Upon Amenity

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."

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 1m above ground level.
- 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, sections 1 and 6 of this policy require further examination due to the sensitivities on the site with regard to residential amenity. The adjacent 64 Gedney Road, which is a bungalow, features 3 ground floor windows on its western elevation, 2 of which would be directly faced, by the eastern wall of the proposed dwelling. The effected elevation would be situated roughly 2m away from the proposed development with a windowed elevation, which would reach up to 3.325m (2.325m + the additional 1m raised FFL to mitigate flood risk), with a further 2.872m sloping away from the eaves to the apex of the roof. Additionally, a close boarded fence would be erected between the two elevations, with the final height to be agreed via condition, with a stipulation that the final height protects residential amenity. The LPA recognises that the increase of +1m FFL for flood risk mitigation does present an enhanced risk to residential amenity, due to both overlooking and overshadowing, particularly to number 64. However, it is considered that, the impacts would be acceptable and no material loss of amenity would occur because of the minor, single storey scale of the proposal and final eaves height of 3.325m which sharply slopes away from the eaves toward the roof apex, which would ensure that the development would not appear unduly monolithic or looming from views out of 64's west facing windows.

Because of the raised FFLs, the window on the east facing side of the proposed development would be situated at a higher elevation than the west facing, close proximity windows to number 64, which if left unmitigated could cause an overlooking effect into those aforementioned windows at number 64. Therefore, in order to maximise mitigation of risk to residential amenity, by condition, it will be ensured that the window on the proposed East-facing elevation would be opaque and non-opening below a height above internal floor level of 1.7m.

The reduced height compared to the original proposal under H12-0463-23 suggest a much improved prospective outlook from 64's windows over the previous scheme. As such, whilst some loss of access to light may be resultant from this proposal, it would be no less than one would typically expect of the sort of bungalow ribbon development. It should also be noted that because the boundary of 64 is only 1m from the side elevation, it could be feasibly possible for the homeowner of 66 Gedney Rd to use Permitted Development rights to erect a structure up against the boundary which could bear a significantly worse impact upon access to an outlook and light for 64. A condition restricting PD rights for this development to protect residential amenity would curtail

this risk of encroachment into the future. As such, it can be considered that this proposal satisfies sections 1 and 6 of SELLP Policy 2.

As discussed above, the proposed design is considered to be appropriate in terms of local character, scale, massing etc, can be made via condition to be respectful of local residential amenity and also mitigates effectively against flood risk, therefore, leading to a conclusion that the proposal also satisfied Policy 3 in those respects - namely the following relevant sections:

"All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;(...)

3. the landscape character of the location;(...)

11. residential amenity;

12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);"

For these reasons, the impact upon character and amenity are both considered to be acceptable in policy terms.

Highways Matters & Parking Provision

Section 9 of the NPPF specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the NPPF advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

Within this context, development should give priority first to pedestrian and cycle movements, facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility in relation to all modes of transport, safe, secure and attractive places, allow for efficient delivery and access for emergency services, and be designed to enable and encourage ultra-low emission vehicles in safe, accessible and convenient locations.

The applicant seeks to create a new vehicular access to the South of the site, onto Gedney Road. Gedney Road is a sweeping, street with wide sight angles. In conjunction with the proposed removal of the conifer hedging along the southern boundary of 66 Gedney Rd, it is considered that vehicles should be able to easily enter and exit the site from or onto Gedney Rd without impacting harmfully upon the safety of the local road network. Furthermore, the Lincolnshire County Council Highways Authority were consulted on this application and submitted no objections, subject to the inclusion of informative conditions within any approval.

Policy 36 of the SELLP states the following:

"All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6)."

Appendix 6 referred to above sets out that for a 2 bed residential development as proposed within this application, the parking provision must be at a minimum of 2 spaces (up to 3 bedrooms). The proposal includes provision for 2 dedicated spaces, with a further large driveway with ample space for at least a further single vehicle, meaning that the proposal satisfactorily meets the standards and as such complies with Policy 36 and the Associated 6th appendix of the SELLP.

Refuse Storage

Policy 3, Section 5 of the SELLP confirms that, where relevant, proposals shall demonstrate satisfactory facilities for the storage of refuse and recycling bins. The proposal sets forth plans to provide a bin storage area to the rear of the proposed property, which would be situated roughly 20m from the roadside. The SHDC private drives policy is not planning policy, however, can be used as a guide for acceptable bin storage, which this proposal complies with, as it does not seek the creation of a private drive with a collection point greater than 30m from the highway side. Therefore, the refuse storage provision on site is considered to be acceptable.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

Conclusion

For the reasons listed above, this application is deemed to satisfy Policies 1, 2, 3, 11, 17, 36 and Appendix 6 of the SELLP as well as Sections 2, 3, 4, 5, 11, 12 and 14 of the NPPF. Therefore, the recommendation in this case 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.