

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 13 January 2021

(Author: David Gedney - Senior Planning Officer)

Purpose: To consider Planning Application H07-0815-20

Application Number: H07-0815-20

Date Received: 23 September 2020

Application Type: FULL

Description: Erection of two storey dwelling - retrospective

Location: 32 Hillgate Gedney Hill Spalding

Applicant: Mrs R Zdroba

Agent: Mrs R Zdroba

Ward: The Saints

Ward Councillors: Cllr MD Seymour

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H07-0815-20>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The proposal raises issues that warrant consideration by the Planning Committee.

2.0 PROPOSAL

2.1 Planning permission was granted for a 4-bed two-storey dwelling in March 2018 (ref. H07-1162-17). Work has commenced on site. However, the dwelling has been set further back than approved and the plot width increased. Modifications are also proposed to the depth, design/internal layout, including alterations to the front porch, revisions to the fenestration and the addition of a flat roof extension at the rear (kitchen). A disabled bedroom has also been included on the ground floor. This application is therefore to regularise the situation. The eaves height and ridge height of the principal element would fundamentally remain similar at 5.3 metres and 7.8 metres approximately.

3.0 SITE DESCRIPTION

3.1 The site is located on the western side of Hillgate just north of the junction with Highstock Lane. The former Red Lion Public House (grade II listed) is situated to the south, which is currently being converted to residential. A grass strip and electricity sub-station are located to the north, plus grazing land to the rear (west). A pair of semi-detached houses (nos. 28 and 30 Hillgate) are situated beyond and a bungalow (no 26 Hillgate) to the north-west at the rear. Bungalows are located opposite.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

Policy 1 - Spatial Strategy;
Policy 2 - Development Management;
Policy 3 - Design of New Development;
Policy 4 - Approach to Flood Risk;
Policy 11 - Distribution of New Housing;
Policy 29 - The Historic Environment;
Policy 30 - Pollution;
Policy 31 - Climate Change and Renewable and Low Carbon Energy;
Policy 36 - Vehicle and Cycle Parking.

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Guidance

National Planning Policy Framework (NPPF), 2019

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;
Section 15 - Conserving and Enhancing the Natural Environment;
Section 16 - Conserving and Enhancing the Historic Environment.

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H07-1162-17 - Full - Proposed two-storey dwelling - Granted 2 March 2018.

5.2 H07-1040-19 - Full - Erection of double garage/store/shed (part retrospective)- Granted 29 May 2020.

6.0 REPRESENTATIONS

6.1 Gedney Parish Council

Concerns regarding the drainage given the proposed new layout and the continuation of building works which have not been approved as this disregards policies and processes.

6.2 Ward Councillor

Cllr MD Seymour - Requests Committee consideration.

6.3 LCC Highways

Does not wish to restrict the grant of permission.

6.4 South Holland Internal Drainage Board

Request drainage strategy to ensure that the surface water discharge from the site has no negative impact regarding potential flood risk to nearby land and/or properties.

6.5 Public

Resident objections received (summarised):

House larger than previously approved and sat further back; Higher and sat further back than neighbouring properties; Out of character/keeping with existing development, including the setting of the Old Red Lion (grade II listed); Finish (white rendering) unsympathetic - red brickwork more traditional; Overlooking/lack of privacy; Blockage of light; Visual intrusion; Proposed drainage inadequate - potential flood risk; Soakaways may be unsuitable and should be subject to percolation tests; Septic tank will not meet BS 6297:2007 for drainage fields; Drainage field should be a minimum of 15m from a building and away from a soakaway, which will not be possible; Details inadequate concerning the rainwater harvester to be installed; Request withdrawal of permitted development rights if permission forthcoming; Pub sign shown in wrong position; Commenced without the benefit of planning permission in breach of the regulations.

7.0 CONSIDERATIONS

7.1 The main issues in this case are:

- Policy/principle;
- Character/appearance, including its affect upon the setting of the former Red Lion Public House, which is grade II listed;
- The likely impact upon the amenity of nearby residents;
- Other material considerations such as highway safety, flood risk and drainage.

7.2 Policy/Principle

7.3 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.

7.4 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.

7.5 The proposal falls within the category of infill and satisfactorily complies with Policy 1 of the SELLP.

7.6 Character/appearance

7.7 The site presently has planning permission for a house with an eaves height and ridge height of some 5.3 metres and 7.8 metres approximately (ref. H07-1162-17). For the avoidance of doubt, the external materials in respect of the previously approved scheme are a smooth painted render with red brick detailing and not wholly red brickwork.

7.8 The dwelling now proposed is approximately 0.5 metres wider and 0.5 metres deeper, with a flat roof extension (kitchen) at the rear. It is of similar height to the previous approval (ridge approximately 7.8 metres) and is positioned further back on the plot (front porch now some 7.2 metres from the front boundary). The plot is approximately 3 metres wider along the site's frontage.

7.9 The design and architectural detailing reflect local vernacular to a degree, incorporating traditional features such as timber sliding sash windows on the front elevation, red detail brickwork, chimney stacks, plus a slate roof. Whilst it is accepted that red brickwork may well have been more appropriate the rendered finish reflects that previously approved and is sympathetic to some other buildings within the vicinity, including the grade II listed former public house to the south. To ensure this is the case it should have a white or cream finish to match.

7.10 The building would be positioned further back than neighbouring dwellings, including the former Red Lion Public House (grade II listed) and nos. 28-30 Hillgate. However, there are other dwellings set back within the centre of the village, including no. 26 Hillgate and no. 4 Station Road. Setting the dwelling further back would also provide more open views of the listed

building and its environs travelling south along Hillgate. Taking these matters into consideration and the general character of the area it is considered that the proposed dwelling would not materially harm the character/appearance of the locality or harm the setting of the former Red Lion Public House.

- 7.11 The proposal includes the retention of the former public house signpost, which is in fact located on the southern side of the proposed access. This can be addressed by means of a condition.
- 7.12 The proposal therefore satisfactorily complies with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 in this respect. Policies 2 and 3 essentially indicate that new development should be in character and appearance and have a satisfactory relationship with existing development. Policy 29 indicates that proposals should preserve the significance of a listed building and not harm the setting of a heritage asset.
- 7.13 Amenity
- 7.14 The former Red Lion Public House (grade II listed) is situated to the south, which is currently being converted to residential. A grass strip and electricity sub-station are located to the north-east, plus grazing land to the rear (west). A pair of semi-detached houses (nos 28 and 30) are situated beyond and a bungalow (no 26) to the north-west set well back from Hillgate. Bungalows are located opposite and are set back.
- 7.15 The proposed dwelling is two-storey. On its northern elevation it has two secondary lounge windows and a dining room window at ground floor level and a bedroom window (bed 4) at first floor level. The bedroom window is in the region of 13 metres from the fenced/hedged boundary serving No. 30 Hillgate and 18 metres approximately from the rear of the dwelling. The rear elevation includes bedroom windows at first floor level. However, No. 28 to the north-west is set well back and has a high hedge along part of its southern boundary. The southern elevation has windows at first floor level, which are obscure glazed/set back from the boundary with the former Red Lion Public House.
- 7.16 The general relationship with and separation distances from neighbouring properties are satisfactory. It is considered that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, overbearing effect, overshadowing or blockage of light.
- 7.17 There is not considered to be sufficient reason to refuse the application on grounds of potential noise and disturbance given that the building would be used for residential purposes only. Although there may be some noise and disturbance during the construction phase this is only a temporary situation and not such as to justify refusal.
- 7.18 Blockage of view and devaluation of property are not material planning considerations and cannot therefore be given weight. In terms of the former, no-one has a right to a view over neighbouring land.
- 7.19 The proposal therefore satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of amenity. They indicate, inter alia, that new proposals should have a satisfactory relationship with neighbouring development and have a satisfactory impact upon the amenity of neighbouring residents
- 7.20 Highway Safety/Parking
- 7.21 Access arrangements are similar to those approved by virtue of planning permission ref. H0?-1162-17. Space would be available for the parking of at least 3 vehicles, as required by Policy 36 of the Local Plan. LCC Highways has raised no objections on highway safety grounds.
- 7.22 The proposal satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety/parking issues.

7.23 Flood Risk/Drainage

7.24 The site is located within Flood Zone 1 (Low Risk) on the Environment Agency Maps. It is also within an area designated as no hazard with the South East Lincolnshire Strategic Flood Risk Assessment. The proposal therefore satisfies the sequential test.

7.25 The applicant has indicated that foul water would be disposed of to a septic tank along the site's frontage and surface water to a 15,000 litre rainwater harvesting system, with overflow into a soakaway to cater for storm events. This conforms with Policy 4(e) of the SELLP, which recommends the use of sustainable drainage systems (SUDs). However, more specific details are required to ensure that the systems operate satisfactorily, which also falls within Part H the Building Regulations. If subsequent problems were to occur they could be addressed under separate environmental legislation.

7.26 Other Matters

7.27 Concern has generally been raised on grounds that work has already commenced on the building without planning permission. However, this is not an offence if retrospective planning permission is obtained.

7.28 **Additional Considerations**

7.29 Public Sector Equality Duty

7.30 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 .

7.31 The protected characteristics are age, disability, genderreassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.32 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.

7.33 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.34 Human Rights

7.35 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).

7.36 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.

7.37 Planning Balance

7.38 The site is inside Gedney Hill Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP) and constitutes infill. The proposal would not materially harm the character or appearance of the streetscene, which has other development set back, and would preserve the setting of the former Red Lion Public House, which is grade II listed. Although there would be some overlooking of neighbouring property it would not be at close range. The amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect or blockage of light. There are no highway objections. Details of drainage can be addressed by means of conditions.

7.39 The proposal is therefore in accordance with Policies 1, 2, 3, 4, 11, 29, 30 and 36 of the south East Lincolnshire Local Plan, 2019. Although there would be some noise and disturbance, particularly during the construction stage, this matter is outweighed by material considerations in favour of the scheme.

7.40 **Conclusion**

7.41 The planning balance lies in favour of the proposal for the reasons outlined above.

8.0 **RECOMMENDATIONS**

8.1 Grant permission subject to conditions listed at Section 9.0 of this report.

9.0 **CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
01 Rev A;
03 Rev B;
04 Rev B;
05;
06.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried other than permitted by virtue of this permission:

- i) the erection of additional freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
- ii) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
- iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows.

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity, levels of residential amenity and the visual amenity and character of the area within which it is set. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

3. The approved scheme of landscaping and tree planting shall be carried out and completed in its entirety during the first planting season following practical completion of the dwelling. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4. Prior to occupation the rendered exterior of the dwelling shall be painted white or cream and thereafter retained.

Reason: In the interests of the appearance of the development and to preserve the setting of the former Red Lion Public House, which is grade II listed.

This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

5. Prior to installation details of the external materials to be used for the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The external roofing material used in the development shall conform to the details so approved.

Note: The external roofing material shall be natural slate.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the appearance of the development and to preserve the setting of the former Red Lion Public House, which is grade II listed.

This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

6. Prior to installation details of the design of all external doors and door frames to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Such details shall indicate, at a scale of not less than 1:10, the longitudinal and cross-sectional detailing (including reveals), threshold and lintel detailing, means of opening and materials. The doors and door frames shall be installed in accordance with the approved details and thereafter so maintained.

Note: The front door shall be constructed in timber.

Reason: In the interests of the appearance of the development and to preserve the setting of the former Red Lion Public House, which is grade II listed.

This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

7. Details of the window frames to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Such details shall indicate, at a scale of not less than 1:10, the longitudinal and cross-sectional detailing (including reveals), cill and lintel detailing, means of opening and materials. The window frames shall be installed in accordance with the approved details and thereafter so maintained.

Note: The windows on the front elevation shall be timber vertical sliding sash.

Reason: In the interests of the appearance of the development, and to protect the historic setting of the Red Lion, which is grade II listed.

This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

8. All new window frames, glazing bars and external door frames shall be painted white or cream and thereafter so maintained, unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the appearance of the development, and to protect the historic setting of the Red Lion, which is grade II listed.

This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

9. The rainwater goods utilised in the development hereby permitted shall be coloured black and thereafter so maintained.

Reason: In the interests of the appearance of the development, and to protect the historic setting of the Red Lion, which is grade II listed.

This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

10. The south western (side) elevation of the dwelling shall be constructed in accordance with details shown on amended Dwg. No. 01A, unless agreed otherwise in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of the amenities of the locality.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

11. The existing white painted timber signpost along the site's frontage shall be retained.

Reason: In the interests of the appearance of the development, and to protect the historic setting of the Red Lion, which is grade II listed.

This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

12. Prior to practical completion of the dwelling full details of the means of foul water disposal, including drainage fields, shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained and to avoid pollution.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

13. Prior to practical completion of the dwelling full details of the proposed soakaway system for the disposal of surface water from the development hereby permitted, including percolation test results, shall be submitted to and approved in writing by the Local Planning Authority. This shall include the calculations undertaken to determine the volume of storage required. The approved means of surface water drainage shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

14. The water consumption of the dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of the dwelling.

Reason: To protect the quality and quantity of water resources available to the district.
This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

15. Note 1 - The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For approval and specification details, please contact vehiclecrossings@lincolnshire.gov.uk

16. Note 2 - Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A