DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-0162-23**	**Applicant:**	**Mrs B Snowden**
Proposal:	Proposed tuition centre including amended opening hours - re-submission of H06-0902-22		
Location:	Plumtree House Harford Gate Gedney		
Terminal Date:	26th April 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2021

12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
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 is a resubmission of a full application for a proposed tuition centre at Plumtree House, Harford Gate, Gedney. The proposal seeks to provide a building sited 1 metre to the south of the existing residential garage, on an area of land that will contain 10 parking places and a turning circle. This site will be accessed via a private drive off a new access onto Harford Gate. The building will contain a waiting room, disabled wc and a classroom. This application differs from the previously approved application under H06-0902-22 as percolation test results have been submitted, and extended hours of operation are proposed.

The tuition centre will be 10.54 metres in length, 4.8 metres in depth and 2.8 metres in height. The building will be constructed from black fibre cement feather edge effect cladding board with a 1.6mm rubber membrane roof. Windows and doors are to be white UPVC, with foul drainage to be connected to the existing septic tank, and surface water directed to onsite soakaways. The private drive and parking area will be off washed gravel on top of 150mm compacted hardcore.

The submitted Supporting Statement states: *"Lines Tuition is a private tuition centre offering one to one and small group tuition for both primary and secondary school children. Our main subjects for tuition are Maths and English and entrance exams such as the 11 +."*

"We provide a friendly, fun and relaxing environment for children to learn and build confidence with academic studies."

"Our opening hours are 08:30-18:00 Monday to Saturday."

"There would be a maximum of ten children in a lesson and there are two members of staff. The proposed plans allow for a classroom and a separate room for any parents who choose to stay for the duration of lessons. We will be providing ten car parking spaces in the event the maximum number of children attend at any one time. (Staff do not require parking spaces as they live on site)."

SITE DESCRIPTION

The site is outside of defined settlement limits and the surrounding is predominately rural, characterised by non-nucleated linear development of varying ages and designs. The building will be sited on an area of land in Environment Agency Flood Zone 3, and in a "Danger for Some" hazard area, with a maximum predicted flood depth of 0.5 metres on the South Holland 2115 Strategic Flood Risk Mapping.

RELEVANT HISTORY

H06-0902-22

Full - Proposed Tuition Centre - Approved - 17 November 2022.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

No objections. Requests a new access informative.

South Holland District Council - Environmental Protection

No comment.

South Holland Internal Drainage Board

"As the applicant is discharging foul water to a septic tank, to be emptied by a contractor, consent is not required
under Byelaw 3 (discharge of treated foul water to a watercourse)."

"I see that the applicant has shown that three tests were undertaken within the trial pit, although this indicates the

tests were likely undertaken in accordance with BRE365, we recommend you satisfy yourselves that this is the case."

"However, I am pleased to see that initial testing shows that a drainage strategy reliant on infiltration is likely to be achievable on the proposed development."

"If for any reason a strategy wholly reliant on infiltration does not prove viable and a surface water discharge is proposed to a watercourse, consent would be required under Byelaw 3."

"The comments within my letter (dated 10/03/2023) regarding Byelaw 10 and Section 23 of the Land Drainage Act 1991 still stand."

Gedney Parish Council

Support

PLANNING CONSIDERATIONS

Principle of development

The proposed seeks the change of use of a small area of paddock land to provide a tuition centre and parking area. Given that the scale of the development is small and is located close to the existing residential buildings there is not considered that the principle of development in this location is acceptable.

Assessment against SELLP Policy 2 - Development Management

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout of the building and car park is considered to be appropriate for the site. One small fruit tree and an area of hedging to facilitate the access will be lost. This is considered to be an acceptable level of loss. There is not considered to be a material impact on the character and appearance of the area.

2. The design and orientation is considered to be appropriate for the proposed use.

3.The building will be constructed from black fibre cement feather edge effect cladding board with a 1.6mm rubber membrane roof. Windows and doors are to be white UPVC, with foul drainage to be connected to the existing septic tank, and surface water directed to onsite soakaways. The private drive and parking are will be off washed gravel on top of 150mm compacted hardcore. The proposed materials of construction are considered to be appropriate for the site.

4. The new access has clear visibility in both directions and the number of parking spaces at 10 corresponds with the maximum number of pupils on site at any time.

5. The proposal is not considered to impact the capacity of existing community services and infrastructure.

6. The proposed building is approximately 65 metres from the neighbouring property to the south. Given that the operation times are during normal daytime hours, there is not considered to be a noise, odour or disturbance impact from the proposal. The building is 2.8 metres high and due to the proposed black fibre cladding exterior is not considered to have a material visual intrusion impact.

7. The building will be sited on an area of land in Environment Agency Flood Zone 3, and in a "Danger for Some" hazard area, with a maximum predicted flood depth of 0.5 metres on the South Holland 2115 Strategic Flood Risk Mapping. Surface water will be addressed via soakaway. The infiltration rates are considered to be acceptable. Foul water will be addressed by a septic tank.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. A sense of place is not considered to be impacted by the proposal. The size, scale and layout of the building and car park is considered to be appropriate for the site. One small fruit tree and an area of hedging to facilitate the access will be lost. This is considered to be an acceptable level of loss. There is not considered to be a material impact on the character and appearance of the area.

5. Ample space remains on site for cycle and bin storage. The new access has clear visibility in both directions and the number of parking spaces at 10 corresponds with the maximum number of pupils on site at any time.

11. The proposed building is approximately 65 metres from the neighbouring property to the south. Given that the operation times are during normal daytime hours, there is not considered to be a noise, odour or disturbance impact from the proposal. The building is 2.8 metres high and due to the proposed black fibre cladding exterior is not considered to have a material visual intrusion impact.

12. The building will be sited on an area of land in Environment Agency Flood Zone 3, and in a "Danger for Some" hazard area, with a maximum predicted flood depth of 0.5 metres on the South Holland 2115 Strategic Flood Risk Mapping. Surface water will be addressed via soakaway. The infiltration rates are considered to be acceptable. Foul water will be addressed by a septic tank.

This application accords with SELLP Policy 3.

PLANNING BALANCE

It is considered that the proposed extended operational hours are not to an extent that would materially impact the amenity of the surrounding area as they remain during daytime hours. The proposed building design is not sited or at such a height that would impact the character or amenity of the surrounding area. This application accords with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for 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.