DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H06-0539-20**	**Applicant:**	**Mr M Stevens**
Proposal:	Residential Development (single dwelling)		
Location:	Field End Chapelgate Gedney		
Terminal Date:	2nd September 2020		

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
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 11, 12, 14, 15 and 16

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

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for a single dwelling, including demolition of an existing garage. The application is accompanied by an indicative plan showing a 3 bed bungalow.

Site Description

The site is located within an existing frontage on the southern side of Chapelgate and is currently garden associated with Field End (bungalow). A number of garden variety trees are situated upon it.

A bungalow is situated to the west and the A17 to the south.

Recent Planning History

None.

Consultation Responses

Gedney Parish Council - No response

LCC Highways/SUDs - Does not wish to restrict the grant of permission.

Planning Considerations

The main issues in this case are:
1. The principle of residential development;
2. Character and amenity issues;
3. Highway safety;
4. Other material considerations such as flood risk and drainage.

Principle/Sustainability

As indicated in paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site is inside Gedney Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Other Service Centres and Settlements, including Gedney, 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 Committed Sites and infill.

The site is frontage infill so the proposal satisfactorily complies with Policy 1.

Character/Appearance and Amenity

Field End is a bungalow with its gable end facing the road. Bungalows are also situated to the west. The existing flat roof garage would be removed to accommodate the development. A number of garden variety trees are presently situated towards the rear of the site. Some would need to be removed to accommodate the property. Others along the rear boundary could be retained, which would also assist in screening the site from the A17 to the south. It is considered that a small bungalow could be sited on the plot without materially harming the character/appearance of the street scene.

Further details would be submitted at reserved matters stage but it is considered that a small bungalow could be satisfactorily accommodated upon the site without materially harming the amenity of nearby residents in terms of overlooking, overshadowing, lack of privacy, noise and disturbance, etc.

A 2 metre high acoustic fence is proposed along the southern boundary to help protect future occupiers from noise from vehicles using the A17. Noise sensitive rooms such as bedrooms should not be positioned on the southern elevation. These matters can be addressed by means of a condition/note.

The proposal satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019, subject to mitigating conditions.

Highways

The proposal would have a shared access with Field End. It is considered that a small bungalow could be accommodated on site with sufficient parking spaces, in accordance with Policy 36 of the SELLP. LCC Highways/SUDs does not wish to restrict the grant of permission on highway safety grounds.

Flood Risk

The site is located within Flood Zones 2 and 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 East Lincolnshire 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 no hazard. The proposal therefore satisfies the sequential test.

Conclusion

The proposal is in accordance with Policies 1, 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan, 2019. It is therefore recommended that the application be approved under delegated powers.

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.