DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H07-0177-20**	**Applicant:**	**J Pell & Son**
Proposal:	Residential Development - 2 plots		
Location:	Millfield Nurseries Mill Lane Gedney Hill		
Terminal Date:	16th April 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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 8, 9, 11, 12 and 14.

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
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for 2 plots, with all matters reserved for subsequent approval.

Description

The site is currently agricultural land associated with a nursery. Plots granted by virtue of a previous outline planning permission (ref. H07-0179-18) are situated to the south and a house (Birchwood) to the south-west. A large glasshouse is located further to the west and a cottage (Half Acre) to the north.

Policies/Constraints

The site is inside Gedney Hill Settlement Limit as defined within the South East Lincolnshire Local Plan 2011-2036 (March 2019).

Site History

No recent history.

Consultation Responses

Gedney Hill Parish Council - No response.

LCC Highways/SUDs - Request conditions.

South Holland IDB - We note that the applicant has indicated that they intend to dispose of surface water via infiltration, however we cannot see that a drainage strategy or plan has been provided for the site. This proposed strategy should be supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater.

SHDC Environmental Protection - Request conditions relating to construction management and standard contaminated land condition.

LCC Archaeology - Requests standard archaeology conditions.

Planning Considerations

The main issues in this case are:

- Policy/principle;
- Character/appearance;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flooding and drainage.

Housing Policy/Principle

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 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.

The proposal is frontage infill and satisfactorily complies with this policy.

Character/Appearance and Amenity

Existing residential development within the vicinity is largely frontage, including development recently permitted on the same nursery to the south and south west (ref. H07-0179-18). The proposal would reflect this. It is considered that 2 dwellings could be satisfactorily accommodated without materially harming the character or appearance of the locality.

The proposal therefore satisfactorily accords with Policies 2 and 3 of the SELLP in this respect.

Amenity

Plots granted by virtue of a previous outline planning permission (ref. H07-0179-18) are situated to the south and a house (Birchwood) to the south-west. A large glasshouse is located further to the west and a cottage (Half Acre) to the north. The application is currently outline. Design would form part of the reserved matters. It is considered that 2 dwellings could be accommodated without materially harming the amenity of neighbouring residents in terms of overlooking, overshadowing, overbearing effect, noise and disturbance, etc. This is subject to a construction management condition, as requested by SHDC Environmental Protection.

The proposal therefore satisfactorily accords with Policies 2 and 3 of the SELLP in this respect.

Highway Safety

The indicative plan indicates that on site parking and turning facilities could be provided. The County Highways Authority has not objected on highway safety grounds, subject to a condition requiring a visibility splay to the south given the site's close proximity to a bend.

The proposal therefore satisfactorily accords with Policies 2, 3 and 36 of the SELLP in this respect.

Flood Risk

The site lies within Flood Zone 1 defined by the Environment Agency Flood Map and within an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment (2017). The site is therefore sequentially preferable in flood risk terms. Concerning the exceptions test, finished floor levels should be set 300mm above existing ground level.

The proposal therefore satisfactorily accords with Policy 4 of the SELLP in terms of flood risk.

Drainage

Details accompanying the application indicate that foul water would be disposed of via package treatment plants and surface water via soakaways. This can be addressed by means of a condition.

Contamination

SHDC Environmental Protection has requested a contaminated land condition given the site's former use in association with a nursery. The proposal satisfactorily accords with Policy 30 of the SELLP subject to this condition.

Archaeology

The proposed development site overlies part of an area that has produced crop marks indicating the presence of extensive Roman activity, including settlement, trackways, and field systems.

Previous evaluation in association with the outline application involved a small sample of the larger site, placed to avoid the current greenhouses and cultivation. This produced sufficient information to demonstrate that no archaeological remains survived of the significance that might warrant a refusal of consent, however, several features were noted that may be of archaeological significance, and could relate to the Roman cropmark complex noted nearby.

LCC Archaeology has therefore recommended that the developer should be required to commission a Scheme of Archaeological Works. This can be secured by means of conditions and is in accordance with advice within Section 16 of the Framework, 2019.

Conclusion

No objections are raised in principle to residential development in this location. The proposed development could be accommodated without materially harming the character/appearance of the area or amenity of nearby residents. LCC Highways has raised no objections on highway safety grounds, subject to conditions. In terms of flood risk, the proposal passes the sequential test. Contamination, archaeology, drainage, etc can be addressed by means of conditions.

The proposal is in accordance with the provisions of the Development Plan.

Conclusion

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.