

## DECISION DELEGATED TO DEVELOPMENT MANAGER

|                        |                                       |                   |                     |
|------------------------|---------------------------------------|-------------------|---------------------|
| <b>Application No:</b> | H07-0249-20                           | <b>Applicant:</b> | Mr & Mrs G Merrison |
| <b>Proposal:</b>       | Erection of detached house and garage |                   |                     |
| <b>Location:</b>       | West Drove South Gedney Hill Spalding |                   |                     |
| <b>Terminal Date:</b>  | 7th May 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           |
| 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, 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             | 0      | 0       | 0       | 1        |

|                        |   |   |   |   |
|------------------------|---|---|---|---|
| BOARD                  |   |   |   |   |
| SHDC INTERNAL          | 0 | 0 | 0 | 1 |
| OTHER STATUTORY BODIES | 0 | 0 | 0 | 1 |

## **CASE OFFICER ASSESSMENT**

### **Proposal**

Full planning permission is sought for a 4 bed house, plus guest bedroom above an attached double garage. Foul drainage would be disposed of via a package treatment plant and surface water via soakaways.

The site is part of an area of land that has outline planning permission for two dwellings, with all matters reserved for subsequent approval (H07-0981-17).

### **Description**

The site (some 0.08ha) is currently agricultural land on the western side of West Drove South. New development is under construction to the north. Residential development is situated opposite.

### **Policies/Constraints**

The site is outside Gedney Hill Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019.

### **Site History**

H07-0981-17 - O/A - Residential development (two plots) - Granted 6 December 2017.

### **Representations**

Gedney Hill Parish Council - No response received.

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

South Holland IDB - Comments concerning drainage strategy.

SHDC Environmental Protection - Request note - re: unexpected contamination.

LCC Archaeology - Request conditions.

Public - No response received.

### **Planning Considerations**

The main issues in this case are:

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

### Principle/Sustainability

The proposed development is outside Gedney Hill Settlement Boundary as defined within the South East Lincolnshire Local Plan, 2019. It is therefore within an area regarded as countryside in planning policy terms. However, the site is part of an area of land that has outline planning permission for 2 building plots (ref: H07-0981-17). The principle of residential development upon the site has therefore been established.

### Character/Appearance

Existing development along West Drove South within the immediate vicinity is mainly two storey dwellings of varied styles and design. Houses are currently under construction to the north.

The proposed house would be a two storey dwelling with attached garage and guest accommodation above and would be constructed in a Desimpel Heathfield Red brick with a Calderdale Slate (Dark Grey) roof. Given the above, it is considered acceptable in terms of design and would not materially harm the character or appearance of the rural locality.

The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

### Amenity

The proposed house is blank on its side elevations. There would therefore not be overlooking of properties immediately adjacent and the relationship with those opposite would be synonymous to a normal frontage situation (ie, oblique and/or not at close range).

The separation distances from the plot boundaries are satisfactory. There would be a 1.85m gap between the dwelling and the south-western boundary and 1.2m to the north-eastern boundary, but there will be a driveway separating the plot and the new dwelling in that direction.

It is therefore considered that the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc.

Whilst it is appreciated that there could be some disturbance during the construction phase it would only be temporary.

The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

### Highway Safety

Concerns have previously been raised on the width and nature of West Drove South. However, a previous refusal on plots further to the north on highway grounds was allowed on appeal. Moreover, the site has an extant outline planning permission. The principle of residential development upon this site has therefore been established and the County Highways Authority has not objected on highway safety grounds. It should be noted that the outline permission does not include the provision of a new frontage footway.

The proposal includes ample car parking provision. It is in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety and parking provision.

### Flood Risk

The site is within Flood Zone 1 within the Environment Agency Flood Maps and also an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment (March 2017). The proposal therefore passes the sequential test and is in accordance with Policy 4 in terms of flood risk.

### Drainage

Foul water would be disposed of to a package treatment plant with an outfall to the frontage drain. Surface water would be disposed of to soakaways, which would be dealt with under Approved Document H of the Building Regulations, including percolation tests.

## Ecology

The site is currently agricultural and is not considered to be of significant ecological interest.

## Archaeology

Although outside of the settlement core of Gedney Hill, the site is in an area of extensive late Iron Age to Roman cropmarks which have tentatively been interpreted as settlement. Any development in this area will have the potential to disturb these remains.

The application is accompanied by an archaeological specification. LCC Archaeology has requested archaeological monitoring.

## **Conclusion**

Although the site is outside Gedney Hill Settlement Limit it is part of an area of land that has outline planning permission for 2 building plots (ref: H07-0981-17). The principle of residential development upon the site has therefore been established.

The dwelling is acceptable in terms of design/appearance and the the amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc. LCC Highways has raised no objections on highway safety grounds.

The proposal satisfactorily complies with Development Plan policies. 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.