DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H07-0281-20**	**Applicant:**	**Mr N Shortland**
Proposal:	Residential Development - Erection of Dwelling		
Location:	West Drove South Gedney Hill Spalding		
Terminal Date:	10th June 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
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, 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

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a 4 bed house and detached double garage. Foul drainage would be disposed of via a package treatment plant and surface water via soakaways, with an outfall to a frontage piped drain.

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). Full planning permission was recently granted for a four bed detached house and garage on the other plot immediately to the north (H07-0249-20).

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

SHIDB - Comments concerning drainage.

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.

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. 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. It is considered that the proposal would sit satisfactorily within the streetscene 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

1.8m fencing is proposed along the side and rear boundaries. The proposed house has ensuite and bathroom windows on its side (north-eastern) elevation at first floor level, which would be obscure glazed. A bedroom window is located on the south-western side elevation facing the neighbouring plots. However, it is set back from the boundary. Overlooking of neighbouring properties and those opposite would be synonymous to a normal frontage situation (ie, oblique and/or not at close range). It is 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 and also vehicle turning arrangements. 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. The proposal therefore passes the sequential test.

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. This arrangement is considered to be satisfactory and accords with Policy 30 of the South East Lincolnshire Local Plan, 2019.

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.

An archaeological specification has been submitted with the application. LCC Archaeology has requested archaeological monitoring, which can be addressed by means of conditions.

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.