

## DECISION DELEGATED TO DEVELOPMENT MANAGER

**Application No:** H07-0655-21      **Applicant:** Mr N Shortland  
**Proposal:** Residential Development (Plot 1 APP/A2525/W/18/3203429) - re-submission of H07-0242-21 to include extension to rear and ecology management scheme  
**Location:** West Drove South Gedney Hill Spalding  
**Terminal Date:** 11th August 2021

### 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 |
| 28         | The Natural Environment     |
| 30         | Pollution                   |
| 36         | Vehicle and Cycle Parking   |
| APPENDIX 6 | Parking Standards           |

#### National Guidance

#### National Planning Policy Framework 2019

#### NPPF 2021

Section 2. Achieving sustainable development.  
 Section 3 - Plan Making;  
 Section 4. Decision making.  
 Section 5. Delivering a sufficient supply of homes.  
 Section 12. Achieving well-designed places.  
 Section 14. Meeting the challenge of climate change, flooding and coastal change.  
 Section 15. Conserving and enhancing the natural environment.

### 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 -<br>HISTORIC<br>ENVIRONMENT OFFICER | 0 | 0 | 0 | 1 |
| SOUTH HOLLAND<br>INTERNAL DRAINAGE<br>BOARD       | 0 | 0 | 0 | 1 |

## **CASE OFFICER ASSESSMENT**

### **Proposal**

The site has full planning permission for a 5 bed detached house with attached double garage (ref. H07-0242-21). This application is a re-submission to include an extension (family room) to the rear and ecology management scheme.

The site is the northern half of an area of land that has outline permission for residential development, which was allowed on appeal (ref. H07-0037-18 and APP/A2525/W/18/3203429). Full planning permission was recently granted for a four bed house and detached garage on the plot immediately to the north (H07-0281-20).

### **Description**

The site (approximately 0.1ha) is located on the western side of West Drove South and was formerly agricultural land. 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**

H07-0037-18 - O/A - Residential development - Refused 21 March 2018. Allowed on appeal 7 March 2019 (ref. APP/A2525/W/18/3203429).

H07-0242-21 - Full - Erection of detached dwelling - Granted 4 May 2021.

### **Representations**

Gedney Hill Parish Council - No response received.

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

SHIDB - If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Note that the applicant has indicated that they are intending to use a package treatment plant to process foul waste. If the applicant wishes to discharge treated foul water to a watercourse this proposal will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

LCC Archaeology - Previously requested conditions.

Public - Response received requesting Swift boxes.

## 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

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed development is outside Gedney Hill Settlement Boundary as defined within the South East Lincolnshire Local Plan (SELLP), 2019. It is therefore within an area regarded as countryside. However, the site is the northern half of an area of land that has outline permission for residential development (allowed on appeal - ref. APP/A2525/W/18/3203429). The principle of residential development upon the site has therefore been established.

### Character/Appearance

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

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

The house would be constructed in Desimpel Heathfield Red Bricks with Calderdale Dark Grey Slates. Windows would be cream uPVC. Although it is large it would have a degree of separation from the neighbouring house to the north due to a driveway associated with the latter. The rear extension would have a flat roof. However, it is single storey only and is subservient. It would not be readily open to view from West Drove South. 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 satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

### Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The northern elevation of the property is blank at first floor level and 1.8m fencing is proposed along the side and rear boundaries. 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 be temporary.

The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan,

2019 in this respect.

### Highway Safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

Concerns have previously been raised on the width and nature of West Drove South at this point. However, the principle of a dwelling upon the site has already been established by virtue of the appeal decision (ref. APP/A2525/W/18/3203429) and also H07-0242-21. The County Highways Authority has not objected on highway safety grounds.

The proposal includes sufficient car parking provision and 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 an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment. The proposal therefore passes the sequential test. Finished floor levels should be set at a minimum of 300mm as indicated in the previous decision.

### 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 satisfactory and accords with Policy 30 of the South East Lincolnshire Local Plan, 2019.

### Contamination

Environmental Protection have previously reviewed a geo-environmental desk study relating to this site and raised no objections. The proposal satisfactorily accords with Policy 30 of the South East Lincolnshire Local Plan, 2019 in this respect.

### Ecology

The application is accompanied by an ecology management scheme which includes the installation of bird nesting boxes and also Swift and bat bricks in line with Policy 28 of the SELLP.

### 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 have previously requested archaeological monitoring, which can be addressed by means of conditions.

### **Planning Balance**

Although the site is outside Gedney Hill Settlement Limit it is part of an area of land that has planning permission for residential development (Appeal ref. APP/A2525/W/18/3203429) and H07-0242-21. 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. West Drove South is narrow and deteriorates in terms of its construction at this point. However, LCC Highways has raised no objections on highway safety grounds given previous appeal decisions along this stretch of West Drove South. The adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against

the policies in the Development Plan and National Planning Policy Framework taken as a whole.

## **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.

## **Conclusion**

The planning balance lies in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.