

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H07-0709-20 **Applicant:** Mr N Shortland
Proposal: Residential Development
Location: West Drove South Gedney Hill Spalding
Terminal Date: 27th October 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
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for residential development (2 plots). The application is accompanied by an indicative layout plan. Access would be off a private roadway.

Site Description

The site (some 0.21ha) is located on the western side of West Drove South and is part of Windy Nook Nursery, which is set back from West Drove South and accessed via a private roadway. The site is currently occupied by a glasshouse.

A dwelling is located to the south and a large glasshouse to the north, which are both part of the nursery. An agricultural building (pack house) is situated to the east, which has permission for a residential conversion (prior approval ref. H07-0244-20). New housing has recently been constructed along the frontage of West Drove South. Residential development is also situated on the opposite (eastern) side of the latter.

Policies/Constraints

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

Planning History

None

Consultation Responses

Gedney Hill Parish Council - No response received.

LCC Highways/SUDs - Request conditions.

SHIDB - Request drainage strategy.

Environmental Protection - Request contaminated land condition.

LCC Archaeology - Recent archaeological work associated with previous developments west of West Drove South have failed to identify much evidence of archaeological interest. We would therefore not recommend any further archaeological input for the present application.

Public - No response received.

Planning Considerations

The main issues in this case are:

- Policy/Sustainability;
- The likely impact upon the amenity of nearby residents;
- Other material considerations such as highway issues and flood risk.

Principle/Sustainability

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The site 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. Policy 1 of the Local Plan states that "in the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits".

Policies 2 and 3 of the SELLP indicate that new development should respect the existing character and appearance of an area and relationship to existing development and land uses.

An Economic Role - The proposal would make a contribution towards the local economy, albeit during the construction stage.

A Social Role - The proposal is deliverable and would help to provide the supply of housing required to meet the needs of present and future generations. Also, Gedney Hill is defined as a Group Centre in the South Holland Local Plan, 2006. It has local services and facilities such as a junior school, community centre/village hall and shop/post office. It is also on a public transport route. The site is close to the defined settlement limit and is considered to be reasonably accessible to these services.

An Environmental Role - With the exception of the dwelling associated with Windy Nook Nursery and a barn conversion, existing residential development along West Drove South is predominantly frontage. The proposal, if permitted, would constitute a form of backland development that would fail to respect the historic character of West Drove South. Consequently, it would be detrimental to the prevailing rural character of the area on the south-western fringe of the settlement where existing development meets the countryside.

The proposal therefore fails to accord with Policies 1 and 2 of the South East Lincolnshire Local Plan, 2019.

Amenity

The properties would be set well back and the existing driveway to the site is relatively wide. A building to the east has recently received prior approval for a barn conversion (ref. H07-0244-20). Existing houses along the site's frontage have 1.8 metre high fencing along their rear boundary. It is considered that the amenity of nearby residents, including future occupiers of the barn conversion, 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 noise and 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

The site would be accessed via an existing private roadway. Ample car parking would be available on site. LCC Highways has raised no objections on highway safety grounds.

The proposal is in accordance with Policies 2, 3 and 36 of South East Lincolnshire Local Plan, 2019 in this respect.

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 site therefore satisfies the sequential test outlines within Section 14 of the National Planning Policy Framework, 2019, the aim of which is to steer new development to areas with the lowest risk of flooding.

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

With the exception of the dwelling associated with Windy Nook Nursery and a barn conversion recently permitted by virtue of prior approval ref. H07-0244-20, existing residential development along West Drove South is predominantly frontage. The proposal, if permitted, would constitute a form of backland development that would fail to respect the historic character of West Drove South. Consequently, it would be detrimental to the prevailing rural character of the area on the south-western fringe of the settlement where existing development meets the countryside.

The proposal therefore fails to accord with Policies 1, 2 and 3 of South East Lincolnshire Local Plan, 2019 and advice within the National Planning Policy Framework, 2019. Policy 1 states that outside a defined settlement limit development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Policies 2 and 3 indicate that new development should respect the existing character and appearance of an area and relationship to existing development and land uses. Paragraphs 8 indicate that new development should contribute to and protect the built and historic environment, be sympathetic to local character and history and add to the overall quality of an area.

It is therefore recommended that the application be refused under delegated powers.