DECISION DELEGATED TO DEVELOPMENT MANAGER

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| **Application No:** | **H07-0817-19** | **Applicant:** | **Mr E Morton-Rowell** |
| **Proposal:** | Residential development | | |
| **Location:** | West Drove South Gedney Hill Spalding | | |
| **Terminal Date:** | 30th October 2019 | | |

**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, 12 and 14

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| PARISH COUNCIL | 0 | 0 | 0 | 1 |
| 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 |
| RESIDENTS | 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.

The site is part of an area of land that has outline planning permission for two dwellings, with all matters reserved for subsequent approval (H07-0622-17).

### Description

The site (total area some 0.17ha) is currently agricultural land on the western side of West Drove South. A tree lined private roadway is situated to the north-east, which serves agricultural premises and an associated dwelling to the rear. Two recently constructed dwellings are located beyond and thereafter a row of semi-detached affordable houses. 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

H07-0622-17 - O/A - Residential development (two building plots) - Granted 22 August 2018

### Representations

Gedney Hill Parish Council - No direct issues with the plans. The Parish Council feel that the hammerhead parking on the site alleviates any issue re: joining the highway.

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

SHDC Environmental Protection - Requests condition relating to unexpected contamination.

LCC Archaeology - Submitted specification fulfils the requirements of condition 6 of outline permission H07-0622-17.

Public - Resident objection received (summarised):
The drive way is situated on the position of the BT pole, no comments about the pole to be moved. With the new proposed drive going in at this position, our garden will be damaged by the cars turning in and out of the new drive. No mention of any footpath or kerbing, only comment's relating to LCC Highway spec.

### 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. However, the site is part of an area of land that has outline planning permission for 2 building plots (ref: H07-0622-17). 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 but is varied in terms of design. Houses are currently under construction to the north on the opposite side of the nursery roadway. Given the varied designs in the vicinity, the proposal would not be out keeping with existing development. The proposal does make use of the full width of the plot, however this tends to be the trend with new build properties.

Overall, it is considered that the proposal would not materially harm the character or appearance of the rural locality.

Amenity

The proposed house has ensuite windows only on its side elevations at first floor level. Overlooking of properties opposite would be synonymous to a normal frontage situation. There is no built development immediately to the north and any dwelling to the south would be separated by the proposed garage/workshop/games room which is only one and a half storey in height with side facing rooflights facing into the site.

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. Matters such as a blockage of view and de-valuation of property are not material planning considerations.

Highway Safety

Following concern expressed by a resident, amended plans have been submitted altering the access arrangements to avoid existing telegraph poles. At least 3 parking spaces are available for use on site. The County Highways Authority does not wish to restrict the grant of planning permission on highway safety grounds.

It should be noted that the outline permission does not include the provision of a new frontage footway.

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.

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.

In light of the above, an archaeological specification has been submitted with the application. LCC Archaeology has indicated that it fulfils the requirements of condition 6 of outline permission H07-0622-17.

## Conclusion

Although the site is outside of the Gedney Hill Settlement Limit it is part of an area of land that has outline planning permission for 2 building plots (ref: H07-0622-17). The principle of residential development upon the site has therefore been established.

The dwelling is acceptable in terms of design/appearance and 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.

## 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.