

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H07-0919-19 **Applicant:** Mr G Andrews

Proposal: Proposed two-bed bungalow with detached garage, access, parking, soft and hard landscaping

Location: Plot 2 Highstock Lane Gedney Hill Spalding

Terminal Date: 6th November 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, 8, 9, 11, 12 and 14.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of a 2 bed bungalow with detached garage. It would be constructed in Wienerberger Hamlet Antique with Imerys plain red half pantiles.

Description

The site (some 0.033ha) is located on the northern side of Highstock Lane. It is part of an area of land that has outline planning permission (ref: H07-0285-19) for residential development (up to 6 dwellings).

Full planning permission was recently granted for a 3 bed bungalow with detached kart lodge garage on plot 1 in June 2019 (ref. H07-0438-19). A house (no 29 Highstock Lane) is located beyond.

Policies/Constraints

The site is outside the settlement limit defined within the South East Lincolnshire Local Plan 2011-2036 (March 2019).

Site History

H07-0945-17 - Outline - Residential development (up to 6 dwellings) - granted 4 December 2017

H07-0285-19 - S73 - Residential development (up to 6 dwellings) - granted 11 June 2019

Representations

Gedney Hill Parish Council - No comments.

LCC Highways - No response.

Material Planning Considerations

The main issues in this case are:

- Principle;
- Character/appearance;
- Amenity;
- Highway safety;
- Other material considerations such as flooding and drainage.

Principle

As indicated in paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The proposed development is outside of any defined settlement limit within the South East Lincolnshire Local Plan, 2019. It is therefore within an area regarded as countryside. Policy 1 of the South East Lincolnshire Local Plan is therefore applicable. It states that development will be permitted in the countryside 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.

The proposal does not comply with the above policy. However, the site is part of an area of land that has an extant outline permission for residential development. This fallback position is a material consideration that outweighs policy in this instance.

Character/appearance

The character of the area is defined by a mixture of dwelling types, including both houses and bungalows. Planning permission is sought for the erection of a 2 bed bungalow with detached garage. It would be constructed in Wienerberger Hamlet Antique with Imerys plain red half pantiles. A 3 bed bungalow has recently been permitted on plot 1. It is considered that the proposed bungalow would not materially harm the character or appearance of this part of the village.

Amenity

The nearest property is a house situated further to the west with boundary hedging. It has no windows directly overlooking the site at first floor level. It is considered that the proposed bungalow could be accommodated without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

Highways

At least 2 parking spaces are available for use on the site in accordance with Policy 36 and Appendix 6 of the Local Plan which requires 2 vehicle parking spaces for dwellings with up to 3 bedrooms. The County Highways Authority has not responded but has previously raised no objections on highway safety grounds.

Flood Risk

No objections are raised on flood risk grounds because the site is located in an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment, 2017. The proposal therefore passes the sequential test. In terms of the exceptions test, 300mm finished floor levels are recommended, plus flood resilience measures.

Drainage

Foul water would be disposed of via a septic tank and surface water via soakaways.

Conclusion

No objections are raised in principle to residential development given the fallback position. The proposed bungalow would not materially harm the character/appearance of the area or amenity of nearby residents. No objections are raised on highway safety grounds. In terms of flood risk, the proposal passes the sequential test.

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.