DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H07-0922-19**	**Applicant:**	**Mr S Kennally**
Proposal:	Erection of two single-storey detached dwellings and garages		
Location:	Land East Of: Hillgate Gedney Hill Spalding		
Terminal Date:	27th 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
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 11, 12, 14 and 16.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1

OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of two single-storey detached dwellings and garages. The properties would be constructed in Wienerberger Heathfield bricks with a slate or pantile roof.

Description

The site (some 0.17ha) is former agricultural land located on the eastern side of Hillgate to the rear of nos. 17 and 19 Hillgate (chalet bungalows). Holy Trinity Church (Grade II* listed) and a listed cross (Grade II) are situated to the north, plus boundary hedging and trees within the graveyard. A bungalow is located to the south with 1.8m fencing on the common boundary.

Policies/Constraints

The site is inside Gedney Hill Settlement Boundary as defined within the South East Lincolnshire Local Plan 2011-2036 (March 2019).

Site History

None

Representations

Gedney Hill Parish Council - Concerns. If passed, the application could invite further development on the agricultural land aside the proposed plans. The Parish Council also notes that the application refers to a mains sewer; however, a mains sewer is not currently available in the Parish.

LCC Highways/SUDS - No objections.

SHDC Environmental Protection - Request condition re: unexpected contamination.

LCC Rights of Way Officer - Gedney Hill Public Footpath No. 2 is in the vicinity of the proposed development although it does not appear to be affected.

LCC Archaeology - Recommend a scheme of archaeological works.

Public Responses - Objection received from local resident (summarised):
Concerns due to the high water table level for the village and this area residents have problems when heavy rain fall in the winter months so putting more properties will cause even more problems until we are on mains drainage.

Material Planning Considerations

The main issues in this case are:

- Principle;
- Whether the proposal would harm the character/appearance of this part of the village and/or

setting of nearby listed buildings;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flooding, drainage and archaeology.

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 site is inside Gedney Hill Settlement Boundary as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Minor Service Centres, including Gedney Hill, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited to allocated and committed sites and infill.

The site is not allocated or frontage infill. However, it doesn't extend beyond existing development adjoining the site and is within the village fabric. It is not therefore contrary to the fundamental objectives of Policy 1.

Character/appearance

The character of the area is defined by a mixture of dwelling types, including both houses and bungalows. Chalets are located along the frontage and a row of bungalows to the south. Depth development can be found within the settlement. The neighbouring bungalow to the south is set well back and depth development is situated opposite and to the north of the church (The Coppice).

The proposed bungalows would appear subservient to existing frontage development and, according to the Design and Access Statement, have been designed to resemble almshouses with steep pitched roofs, gable features and stone parapets, cills and lintels. The buildings would be constructed in red brickwork with a slate roof. It is considered that the proposed bungalows would not materially harm the character or appearance of the centre of the village or the setting of listed buildings to the north, including Holy Trinity Church (Grade II* listed).

Amenity

The nearest properties are two chalets along the frontage and a bungalow to the south. Both boundaries are de-lineated by boundary fencing. The dwellings have been orientated north-south to help address overlooking issues in respect of the properties to the west. The bungalow on plot 1 has a blank elevation facing west and the garage has been strategically placed to help protect the amenity of future occupiers. The proposed driveway is relatively wide. It is considered that the proposed bungalows 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

Each plot includes two parking spaces and accords with SELLP Policy 36. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds.

Flood Risk

The site is within Flood Zone 1 and an area of no hazard within the South Holland 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 package treatment plants, with an outfall to a drain further to the east. Surface water would also be disposed of via a drain.

Conclusion

No objections are raised in principle to residential development. The proposed bungalows reflect almshouses in terms of design/appearance and would not materially harm the character or appearance of the area or setting of nearby listed buildings, including Holy Trinity Church (Grade II* listed). The amenity of nearby residents would not be materially harmed in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise and disturbance, etc. No objections are raised on highway safety grounds. In terms of flood risk, the site is within an area of no hazard.

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.

Recommendation - That the application be approved under delegated powers.