

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H07-0945-19 **Applicant:** Mr & Mrs G Merrison
Proposal: Erection of detached dwelling (Plot 2) - Outline approval H07-0622-17
Location: Plot 2, West Drove South Gedney Hill Spalding
Terminal Date: 10th January 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
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places

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
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The proposal is a reserved matters application for the erection of a detached dwelling at Plot 2, West Drove South, Gedney Hill, following the approval of the Outline planning permission (H07-0622-17) on 22/08/2017. The proposal is a 2 storey large executive family home featuring a detached double garage.

Whilst the applicant has requested that Conditions 3, 4, 5 and 6 of H07-0622-17 be discharged, only Conditions 3 and 4 can be discharged by this reserved matters application. Discharging of conditions 5 and 6 will require a separate condition compliance application.

Site Description

The site is location which was formerly used as agricultural land and was tacitly approved for change of use to residential under the outline planning permission granted H07-0622-17. Preparation of the site has not yet commenced and as such the land is still an open field opposing residential development on the other side of the road. the area is characterised by the open field nature of the landscape to the rear and south of the proposals and late C20 and early C21 residential properties to the East and North.

History

H07-0622-17

Residential development - two building plots. APPROVED on 22/08/2017

Consultation Responses

Local Residents

Installation of kerb stones would make the road too narrow for turning in and out of driveways.

Gedney Hill Parish Council

No objections are raised.

Lincolnshire County Council Highways and Lead Local Flood Authority

No Objections.

Planning Considerations

Resident Objections

The Local Planning Authority takes note that residents were concerned that the installation of a kerb would reduce the practical width of the road especially when turning in and out of driveways. However, the Lincolnshire County Council Highways Authority have raised no concerns and have resultantly not requested that kerb stones be installed.

Principal of Development

The site does sit outside of the defined settlement boundary for Gedney Hill, as defined in inset map 17 of the South East Lincolnshire Local Plan (2019). However, as the site is currently subject to an outline planning permission which has not lapsed (date of lapsing would be 22 July 2020), then the principal of development on this particular site is currently acceptable.

Condition discharge

Under application H07-0622-17, it was requested that details be submitted alongside a reserve matters application to satisfy conditions 3, 4, 5 and 6

- Condition 3 - Information has been provided in this application relating to the layout, scale and

external appearance (inclusive of a schedule of materials), The means of access to the site, the landscaping, means of sewage (Foul water treatment plant) and the proposed site levels. All are satisfactory to discharge the condition.

- Condition 4 - A scheme of planting has been submitted alongside the application which shows that the site will contain 2x Silver Birch (Betula Pendula) feathered at 1.5m - 1.8m upon planting, 1x Whitebeam (Sorbus Aria) Feathered at 1.5m - 1.8m upon planting. The site will feature a shrubbery area to the front elevation of the property. Access will be a gravel driveway and the site will be bordered on 3 sides (South, West & North) by a 1.8m high close boarded timber fence, reducing to 1.2m at roadside. A maintenance plan has been submitted whereby the applicant agrees that all trees, shrubs and bushes shall be maintained for a minimum period of 5 years from the date of completion of the scheme by the owner or owners of the land on which they are located. During that period all losses would be made good. Additionally, all trees are to be planted with a minimum 0.6m plastic mulch mat and staked, tied and tubed.

This scheme is found to be satisfactory and so the condition may be discharged.

- Condition 5 - Whilst the applicant has suggested that this application should discharge condition 5 of H07-0622-17, reserved matters applications cannot be used to discharge non-reserved matters conditions and as such, the applicant is advised to submit a separate Condition Compliance application to discharge this application.

-Condition 6 - Whilst the applicant has suggested that this application should discharge condition 6 of H07-0622-17, reserved matters applications cannot be used to discharge non-reserved matters conditions and as such, the applicant is advised to submit a separate Condition Compliance application to discharge this application.

Design and Layout

The Local Planning Authority does not seek any amendment to either the design or layout of the proposals. This is because the proposals' design is appropriate to the area and should not appear alien in appearance within its surroundings featuring a number of traditional design elements, including double chimneys and bay windows.

The Layout, much as the design, is suitable to the area, as the size of the property should not be uncharacteristic to the area, with several nearby modern properties being comparable in scale, large, executive homes. The footprint of the proposed property will be, roughly, 11.665m (W) x 10.335m (D) at its greatest extent. The proposed internal layout of the property would be suitable to service the property's proposed use as a large 4 bedroom family home.

The proposed double garage is also not inappropriate in scale and massing, being 6.015m x 6.015m which is appropriate for the proposed use as a double garage.

Residential Amenity

The proposals present no risk of harming the residential amenity of any nearby properties. The proposed structure is set back from the road by a significant distance. As such, the separation between the nearby properties is large enough to present no risk of overshadowing or overlooking.

Parking Provision

The proposal includes a double garage and a large gravel driveway, these two elements combined should provide ample provision of parking, in excess of the requirements as outlined in Policy 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019)

Conclusion

For the reasons listed above, this application is deemed to be in accordance with Policies 1, 2, 3, 4, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) as well as Section 12 of the National Planning Policy Framework (2019). Therefore, this application is recommended for APPROVAL.

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.