DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H07-0960-19**	**Applicant:**	**Mr S Cooper**
Proposal:	Residential development (re-application of H07-0066-19)		
Location:	Rear: 17 Station Road Gedney Hill Spalding		
Terminal Date:	18th 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	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for residential development (1 plot), with all matters reserved for subsequent approval. The application is accompanied by an indicative site layout plan showing a 3 bedroom bungalow and garage.

The application is a re-submission of a previous permission (ref. H07-0066-19) on grounds that the site has been reduced in length by some 4 metres.

Site Description

The site (some 0.09ha) is currently garden land located at the rear of no. 17 Station Road (bungalow). A small cul-de-sac is situated to north (Hubert's Close). Garden land is situated to the south and open land to the east.

History

H07-0066-19 - O/A - Residential Development (1 plot) - Granted 20 March 2019

Consultation Responses

Gedney Hill Parish Council - Could invite further development onto the agricultural land at the rear.

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

SHIDB - We note that the applicant intends to dispose of surface water via infiltration, however we cannot see that the viability of the proposed drainage strategy has been evidenced. The proposed strategy should be supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater.

Planning Considerations

The main issues in this case are:

- Principle/sustainability;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flood risk and drainage.

Principle/Sustainability

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 inside Gedney Hill Settlement Limit as defined within the South East Lincolnshire Local Plan, 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, in this case there is an existing cul-de-sac immediately to the north (Hubert's Close) that extends as far back as the plot. Nos. 5 and 6 (semi-detached bungalows) are on a similar building line to the proposed dwelling. Taking the character of the immediate area into account it is considered that the erection of a single storey property would be difficult to resist on grounds that it would have a harmful effect upon the rural locality.

Gedney Parish Council has commented that the proposal, if permitted, could encourage further

applications on land at the rear. In response, unlike the site, the land at the rear is outside Gedney Hill Settlement Boundary and is therefore within an area regarded as open countryside. Any development in this location would be out of keeping with the existing settlement pattern and would harm the character/appearance of the countryside.

Amenity

Bungalows are located to the north of the site off Hubert's Close, with openings on gable ends facing the site. No 17 has a blank elevation facing the proposed driveway. It is considered that a bungalow could be accommodated upon the site without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. This is subject to satisfactory boundary screening.

Matters such as blockage of view and de-valuation of property are not material planning considerations and carry no weight.

Highway Safety

The indicative plan shows the site served by a single access point. There would be sufficient room for vehicular turning if required. LCC Highways does not wish to restrict the grant of permission on highway safety grounds.

Other Material Considerations

Flood Risk - The site is within Flood Zone 3 on the Environment Agency Maps. The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test

The hazard mapping within the SFRA shows the site to be unaffected if a breach of the flood defence were to occur. The proposal therefore passes the sequential test.

Drainage - This matter could be addressed by means of a condition(s) if outline permission was forthcoming.

Conclusion

The proposed development is inside Gedney Hill Settlement Limit as defined within the South East Lincolnshire Local Plan, 2019 and is considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the rural character of the immediate locality. It is considered acceptable on amenity and highway grounds and satisfies the sequential test concerning flood risk.

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.