

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H07-0961-22 **Applicant:** Mr N Shortland
Proposal: Residential Development
Location: Land Off West Drove South Gedney Hill Spalding
Terminal Date: 29th November 2022

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
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 12. Achieving well designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The site currently has outline planning permission for a single plot (ref. H07-1213-19). Full planning permission is now sought for a four bed house and detached double garage on a slightly larger site.

Description

The site (total area some 0.1ha) is a gap within a residential frontage and is currently part of an entrance to an existing nursery and associated dwelling (Windy Nook) to the rear. New houses are situated to the north-east and south-west. Residential development is situated opposite

An existing driveway would be re-located to accommodate the development. A new footway has recently been constructed to the north, terminating at the entrance to the nursery.

Policies/Constraints

The site is outside Gedney Hill Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019.

Site History

H07-1213-19 - Outline - Residential development (single plot) - Granted 6 February 2020

Representations

Gedney Hill Parish Council

No response.

LCC Highways

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

Recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse (for example, the pipe along the property frontage). In this case, consent would be required under Byelaw 3.

The site layout plan illustrates a direct connection from the package treatment plant into a pipe along the frontage. The discharge of treated foul water from the proposed development will require consent under Byelaw 3.

LCC Archaeology

No archaeological input.

Public

No comments received.

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

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is outside Gedney Hill settlement boundary as defined in the South East Lincolnshire Local Plan (SELLP), March 2019. Policy 1 indicates that development in the countryside will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable needs of the area in terms of economic, community or environmental benefits.

Economic - Future occupants may work locally, support local services and therefore make a small contribution to the local economy. There may also be employment opportunities associated with the construction, albeit in the short term.

Social/Community - The proposal is deliverable and would help to provide the supply of housing required to meet the needs of present and future generations. Also, Gedney Hill is defined as a Minor Service Centre in the South East Lincolnshire Local Plan, 2019. It has local services and facilities such as a junior school, community centre/village hall and shop/post office. It is also on a public transport route. The site is close to the defined settlement limit and is reasonably accessible to these services.

Environmental - Whilst the site is outside Gedney Hill Settlement Limit the development constitutes frontage infilling between an existing row of dwellings. It is considered that the proposal would not materially harm the character or appearance of the locality or countryside.

In summary, therefore, the site, albeit slightly smaller, has outline permission for a single plot (ref. H07-1213-19). The current proposal meets the sustainable needs of the area and is in accordance with Policies 1, 2 and 3 in this respect. Policies 2 and 3 of the SELLP essentially indicate that new development should be in character and appearance and have a satisfactory relationship with existing development.

Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The site is situated within a row of recently constructed houses. Residential development is situated opposite. The proposed house has a blank elevation at first floor level facing the neighbouring property to the south-west and would be appropriate for the site. It would not materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise/disturbance, etc. The proposal satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Whilst it is appreciated that there may be some disturbance during the construction phase it would only be temporary.

Highway Safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

Satisfactory parking has been provided. Concerns have previously been expressed on grounds that West Drove South is unsuitable in width and construction to accommodate new development. The two plots to the north were originally refused on highway grounds. However, they were subsequently allowed on appeal (ref. H07-0821-16).

Having regard to the above, LCC Highways has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application.

Flood Risk

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime.

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, 2017. The proposal therefore passes the sequential test.

Drainage/Water Supply

Foul water would be disposed of to a foul water treatment plan with outfall to a frontage drain. Surface water would be disposed of via soakaways.

Concerns have previously been raised over the adequacy of the water supply. However, water undertakers such as Anglian Water have a statutory duty to provide and maintain a water supply system under the Water Industry Act 1991.

Ecology

The site is not considered to be of significant ecological interest. The application includes ecological bio-diversity measures.

Contamination

The application is accompanied by a Phase 1 desk study, which indicates that there were no readily identifiable sources of contamination. Made Ground was not noted to be present. On that basis, the need for a Phase 2 intrusive investigation is considered unwarranted. This is consistent with similar surveys undertaken on nearby plots.

Archaeology

LCC Archaeology has indicated that following the negative results of previous archaeological work in association with nearby development they do not request an archaeological input in this case.

Planning Balance

Although the site is outside Gedney Hill Settlement Limit it is a frontage infill plot that meets the sustainable needs of the area. It is therefore in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019.

The proposed dwelling would not materially harm the character or appearance of the locality or the

amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc. LCC Highways has raised no objections on highway safety grounds. There are no flood risk issues in this case.

The proposal generally complies with policies within the Development Plan. There are no considerations in this case that outweigh factors in favour of the scheme.

Conclusion

The planning balance lies in favour in of the scheme for the reasons outlined above.

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.