DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H07-1123-19**	**Applicant:**	**D Brown (Building Contractors) Ltd**
Proposal:	Residential development - erection of 3 dwellings (amendments to H07-1178-18)		
Location:	Off Highstock Lane Gedney Hill Spalding		
Terminal Date:	29th 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

NPPF.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Residential development - erection of 3 dwellings (amendments to H07-1178-18).

This full application proposes 3 detached dwellings, on three plots that benefit from planning permission as a result of application ref H07-1178-18 (Erection of 9 dwellings with associated access).

Each dwelling would be detached and two storeys in height with a detached garage to the front. Access would be via a separate access for each of the 3 dwellings from Highstock Lane.

Site Description

The site is situated on the southern side of Highstock Lane. It is currently agricultural land and has a shallow riparian drain along its northern boundary and a South Holland Internal Drainage Board maintained drain along its southern.

The site is outside Gedney Hill Development Boundary as defined in the South East Lincolnshire Local Plan. It is mainly within Flood Zone 3 on the Environment Agency's Flood Map, but within an area of low risk within the SHDC Flood Hazard maps.

History

H07-1178-18. Erection of 9 dwellings with associated access. Approved 08-01-19. This permission is extant.

H07-0729-16. Application for 23 dwellings was refused on character and flood risk grounds on 29.11.16 and subsequently dismissed on appeal on 7.8.17.

H07-0972-17 Application for 8 dwellings Approved 10. 1.18.

H07-0700-18 Residential development 14 plots. Refused Oct 2018

Consultation Responses

Gedney Hill Parish Council - no response received.

SHDC Environmental Protection Officer - The document by Stuart Guy Consulting 'Stage One Environmental Desk Study of land opposite 11 Highstock Lane, Gedney Hill, Spalding PE12 0QG' dated 12th September 2019 report no 19-09-01 was submitted under H07-1125-19 as condition compliance for H07-1178-18. Comments still stand and recommend discharge of condition 5 of H07-1178-18 in full.

Would note that the report does not include all of the elements we usually require in a desk study, for example examination of historical mapping, however in this instance we are able to accept the report without this.

Would remind the developer that if during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until

a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing by the LPA.

Lincolnshire County Council Highways & SUDS Support - no observations.

Environment Agency - no objection subject to a condition.

South Holland Internal Drainage Board - no objections.

Third Parties - no representations received.

Planning Considerations

Principle of Development

The site is located within countryside as indicated within the SELLP, and normally Policy 1 would take precedence, however there is an extant planning permission on the wider site for 9 dwellings, which does not expire until January 2022, and this fall back position needs to be taken in to account. As this is the case it is considered that despite the location within the countryside, on this occasion, due to the extant permission on the site this application can be considered to be an appropriate exception to planning policy.

Character of the area

The dwellings proposed would sit comfortably within the wider proposed development and would not have a harmful impact on the character of the area.

Residential amenity of neighbours

It is considered that this development has been sited and designed so as not to materially harm the amenity of nearby residents in terms of overlooking, lack of privacy or overshadowing, due to the orientation of the layout.

Heritage Assets

The proposals would not have an impact on any known archaeological or heritage assets, as confirmed during the consideration of the previous application on the site.

Conclusion

Given the fall back position on this site is considered that this application is acceptable.

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.