

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H07-1213-19	Applicant:	Mr N Shortland
Proposal:	Residential development (single plot)		
Location:	Off West Drove South Gedney Hill Spalding		
Terminal Date:	6th February 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 1, 2, 3, 4, 5, 11, 12, 14 and 15

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
SHDC INTERNAL	0	0	0	2

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

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for a single dwelling. The application is accompanied by an indicative plan showing a 4 bed house and detached double garage.

Description

The site (total area some 0.07ha) is currently part of an entrance to an existing nursery and associated dwelling (Windy Nook) to the rear. 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.

Two houses are currently under construction to the north. Building plots are situated to the south. Residential development is situated opposite.

Policies/Constraints

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

Site History

None.

Representations

Gedney Hill Parish Council - No response.

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

SHDC Environmental Protection - Request contaminated land condition.

LCC Archaeology - No archaeological input required.

Public - Resident objection received (summarised):

Anglian Water has indicated that the water main will take no more properties; Road single track and in poor condition; Too many properties on a single track road.

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 considered to be reasonably accessible to these services.

Environmental - Whilst the site is outside Gedney Hill Settlement Limit it is nevertheless infill between plots that already have planning permission for residential and which adjoin the development boundary. Houses immediately to the north and south are currently under construction. The current proposal is the final frontage infill plot along the western side of West Drove South. It is considered that the proposal would not materially harm the character or appearance of the locality or countryside.

Having regard to the above, therefore, it is considered that this particular proposal meets the sustainable needs of the area and is in accordance with Policy 1.

Amenity

Houses are currently under construction to the north and south. Residential development is situated opposite. It is considered that a dwelling 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/disturbance, etc. Whilst it is appreciated that there may be some disturbance during the construction phase it would only be temporary.

The proposal satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Highway Safety

Concerns have 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 previously refused on highway grounds. However, they were subsequently allowed on appeal (ref. H07-0821-16). The County Highways Authority does not wish to restrict the grant of planning permission on highway safety grounds. They have not requested a condition extending the frontage footway recently constructed to the north on the opposite side of the access roadway.

The proposal satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019.

Flood Risk

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.

The proposal satisfactorily complies with Policy 4 of the South East Lincolnshire Local Plan, 2019.

Drainage/Water Supply

Foul and surface water drainage can be addressed by means of conditions.

Concerns have 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.

Archaeology

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

Conclusion

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.

A dwelling could be accommodated without materially harming 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.

The proposal is in accordance with local and national policies/advice set out in the South East Lincolnshire Local Plan, 2019 and the National Planning Policy Framework, 2019. The issues raised relating to such matters as highway safety and infrastructure are material considerations but are not sufficient in this case to indicate against the proposal and outweigh the benefits of the scheme.

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.

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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.