DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-1222-21**	**Applicant:**	**Miss E C Moore**
Proposal:	Residential Development		
Location:	Land Off Station Road Gedney Hill Spalding		
Terminal Date:	25th January 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
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
SOUTH HOLLAND	0	0	0	1

INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for residential development with all matters reserved for subsequent approval. It should be noted that the site has previously had planning permission for a bungalow (ref. H07-0615-15 and H07-0841-18).

Site Description

The site (some 0.09ha) is located on the western side of Station Road some 170 metres to the south-west of Highstock Lane. A bungalow (Harvest Home) and associated outbuildings are situated to the south and houses off Sycamore View to the north. Agricultural land is located opposite and Hubert's Close to the south-east.

Planning History

H07-0615-15 - Out - Residential development - Granted 1 September 2015.

H07-0841-18 - RM - Erection of bungalow (outline approval H07-0615-15) - Approved 15 October 2018.

Consultation Responses

Gedney Hill Parish Council

No response.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

SHIDB

If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

I note that the applicant has indicated that treated foul water from their site will be disposed of either via a drainage field or to the watercourse, dependent on percolation test results. Please note that consent would be required from the Board where treated foul water is discharged to a watercourse.

I note the presence of a Board Adopted watercourse adjacent to the site boundary.

Environmental Protection

No comments or objections.

Public

No comments or objection sreceived.

Material Considerations

The main issues in this case are:
- Policy/principle;
- Character/appearance;
- The likely impact upon the amenity of nearby residents;
- Highway considerations;
- Other material considerations such as drainage and ecology.

Policy/principle

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 inside Gedney Hill Development Boundary as defined in the South Holland Local Plan (SELLP), 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. No objections are therefore raised on locational grounds.

Character/appearance

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

The locality is characterised by a mix of dwelling types. Houses are located to the north and a bungalow to the south. It is considered that a dwelling could be accommodated without materially harming the character or appearance of the locality.

The proposal therefore accords with Policies 2 and 3 of the SELLP in this respect.

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.

A bungalow (Harvest Home) and associated outbuildings are situated to the south and houses off Sycamore View to the north. Agricultural land is located opposite and Hubert's Close to the south-east. It is considered that the a dwelling could be accommodated upon the site without materially harming the amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

The proposal therefore accords with Policies 2, 3 and 30 of the SELLP in this respect.

Highways

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.

The County Highways Authority has raised no objections on highway safety grounds. The proposal accords with Policies 2, 3 and 36 of the SELLP in terms of highway safety/parking requirements.

Flood Risk/drainage

Policy 4 of SELLP is concerned on flood risk management and states, inter alia, that new development should pass the sequential test and should incorporate the use of Sustainable Drainage Systems (SuDS), unless it is demonstrated that it is not technically feasible.

The site lies within Flood Zone 3 defined by the Environment Agency Flood Map. The latter 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 site is therefore sequentially preferable in flood risk terms. Concerning the exceptions test, finished floor levels should be set 300mm above existing ground level.

The application form indicates that surface water would be disposed of via soakaways. Drainage can be addressed by means of conditions if permission is forthcoming.

Ecology

Policy 3 of the SELLP indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 indicates that all development should provide an overall gain in biodiversity. The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure.

There is no firm evidence that the site is being used as a habitat by protected species. A condition should, however, be imposed relating to bio-diversity.

Planning Balance

The site is within Gedney Hill settlement limit as defined within the South East Lincolnshire Local Plan (2019). It is considered that a dwelling can be accommodated without materially harming the character/appearance of the locality or amenity of nearby residents. LCC Highways have raised no objections subject to conditions and there are no flood risk issues.

There are no matters in this case which outweigh factors in favour of the scheme.

Conclusion

For the reasons outlined above, the planning balance lies in favour of the proposal and is in accordance with Policies 1, 2, 3, 4, 28, 30 and 36 of the South East Lincolnshire Local Plan, 2019. It is therefore recommended that the application be approved under delegated powers.

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.