DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-0463-21**	**Applicant:**	**Mr & Mrs M Parnell**
Proposal:	Erection of dwelling in association with existing plant hire business - approved under H06-0772-19. Modification of Condition 2 to allow amendments to previously approved plans.		
Location:	Tilsons Yard Black Barn Main Road Gedney Drove End		
Terminal Date:	29th June 2021		

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
17	Providing a Mix of Housing
19	Rural Exception Sites
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

Sections 5, 6, 12 and 14 of the National Planning Policy Framework (2021)

5 - Delivering a sufficient supply of homes
6 - Building a strong, competitive economy
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73 application for the erection of a dwelling in association with an existing plant hire business at Tilsons Yard Black Barn, Main Road, Gedney Drove End. The original application was approved under H06-0772-19 and this application seeks a modification of condition 2 to allow amendments to previously approved plans. The proposal seeks to provide a two storey dwelling with no habitable rooms at ground floor level. At ground floor level a utility, study, wc and double garage are to be provided. At first floor level, three bedrooms, an en-suite, dressing room, two terraces, snug or playroom, and a combined kitchen / dining / living area. The proposed materials of construction are grey cladding panels with stone cladding. Windows are to be triple glazed to minimise heat / energy loss. Exact details of materials would be addressed by condition. A low store wall, above which a ramp will be sited, will be positioned leading to the principal elevation entrance.

A pond will be sited to the north and south and immediately underneath the dwelling. A 1.8 metre high close board timber fence will be sited to the front and side boundaries of the site with 1.4 metre high metal rail fence on the rear boundary. Close to the rear boundary two free standing rows of photovoltaic panels will be sited.

SITE DESCRIPTION

The proposal is outside of defined settlement limits and the surrounding area is predominately rural, characterised by dwellings and buildings of varying ages and design. With regard to flood risk, the site is located in a "Danger for All" area on the 2115 South Holland Strategic Flood Risk Mapping, with a requirement to raise finished floor levels to a minimum of 1 metre above ground level.

HISTORY

H06-0507-18

Full - Erection of dwelling with garages in association with existing plant hire business - Refused - 28 August 2018.

H06-0772-19

Full - Erection of dwelling in association with existing plant hire business - Approved - 04 November 2019.

H06-0372-21

Condition Compliance - Details of external materials, external boxes, gas flues & soil vent pipes, landscaping, foul & surface water disposal and scheme to deal with contamination (Conditions 3, 4, 5, 6 & 7 of H06-0772-19) - Currently undecided as of 19 November 2021.

CONSULTATION RESPONSES

Gedney Parish Council

No objections.

Member of the public

Requests the installation of four swift bricks to aid biodiversity.

PLANNING CONSIDERATIONS

Principle of development

The proposal is for an environmentally sustainable dwelling that seeks to meet the criterion within Paragraph 80 of the National Planning Policy Framework (NPPF) for a countryside dwelling of 'truly outstanding' design. One of the core planning principles of the NPPF is to 'support the transition to a low carbon future in a changing climate.'

The driving force behind this application is to allow the clients to live adjacent their existing business to reduce their travel to work (increased sustainability through reduced vehicle movements) and to improve security for the site.

Paragraph 80 of the National Planning Policy Framework concerns isolated homes in the countryside.

80. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential building; or

e) the design is of exceptional quality, in that it:
- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

When assessed against the above criteria the following observations can be made:

a) It is considered that there is an essential need for the applicant to live on site of this business to help manage operations, reduce carbon emissions and provide security of this successful rural enterprise.

b) The proposal would not represent the optimal use of a heritage asset as there are no heritage assets in the area.

c) The proposal would not reuse redundant or disused buildings.

d) The proposal would not involve the subdivision of an existing residential building.

e) Whilst subjective, it is not considered that the dwelling is truly outstanding, although it does help raise the standards of design in the area and has a number of environmentally sustainable design features such as high quality insulation and photovoltaic panels.

This application is considered to accord with Paragraph 80 of the NPPF.

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Countryside. This section of the policy states:

"The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.
In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits."

When assessed against the above criteria the following can be observed:

Economic - The proposal will help secure goods and equipment on site, as well as reduce transport costs for the applicant and provide short term construction jobs.

Community - This application will help support an existing business employing local people and will provide a dwelling to support local services.

Environmental - The dwelling will reduce vehicular movements and has a number of environmentally sustainable design features such as high quality insulation and photovoltaic panels.

This application accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:
1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout is not materially different to that of the approved dwelling under H06-0772-19 save for the redesign and relocation of some windows. No trees are to be removed to facilitate this proposal. The character and appearance of the surrounding area is not considered to be materially impact by this proposal, which is considered to enhance the quality of residential development in the vicinity.

2. The design seeks to maximise environmental sustainability as well as address the need to materially raise finished floor levels 1 metre above ground level to address flood risk and is considered to successfully achieve both goals.

3. The proposed materials of construction are grey cladding panels with stone cladding. The exact materials of construction would be addressed via condition.

4. Access would be by utilising the existing access to the business. There is a double garage and a large parking area to the front of the dwelling. The proposal can afford in excess of two off road parking spaces and accords with Appendix 6 of the SELLP.

5. The capacity of existing community services and infrastructure will not be materially impacted by this proposal.

6. There is not considered to be a material, noise or odour impact from the proposal. With regard to visual intrusion a very narrow window will serve a east facing bedroom toward the plant hire business, but as the dwelling is for the business owner there is not considered to be a material overlooking aspect. The dwelling is 46 metres from the highway and 85 metres from the nearest dwelling at Black Barn Cottage. There is not considered to be a material impact on the character or amenity of the surrounding area.

7. With regard to flood risk, the site is located in a "Danger for All" area on the 2115 South Holland Strategic Flood Risk Mapping, with a requirement to raise finished floor levels to a minimum of 1 metre above ground level. There are to be no habitable rooms at ground floor level.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.
Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:
1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout is not materially different to that of the approved dwelling under H06-0772-19 save for the redesign and relocation of some windows. No trees are to be removed to facilitate this proposal. The character and appearance of the surrounding area is not considered to be materially impact by this proposal, which is considered to enhance the quality of residential development in the vicinity.

5. There is considered to be adequate space on site for the storage of bins and cycles. There is a double garage and a large parking area to the front of the dwelling. The proposal can afford in excess of two off road parking spaces and accords with Appendix 6 of the SELLP.

11. There is not considered to be a material, noise or odour impact from the proposal. With regard to visual intrusion a very narrow window will serve a east facing bedroom toward the plant hire business, but as the dwelling is for the business owner there is not considered to be a materially overlooking aspect. The dwelling is 46 metres from the highway and 85 metres from the nearest dwelling at Black Barn Cottage. There is not considered to be a material impact on the character or amenity of the surrounding area.

12. With regard to flood risk, the site is located in a "Danger for All" area on the 2115 South Holland Strategic Flood Risk Mapping, with a requirement to raise finished floor levels to a minimum of 1 metre above ground level. There are to be no habitable rooms at ground floor level.

PLANNING BALANCE

There is not considered to be a material impact on the character and amenity of the surrounding

area. The dwelling has been designed to maximise environmental sustainability and is considered to raise the standard of residential properties in the surrounding area, as well as provide a flood resilient property. There is not considered to be an amenity impact as the dwelling is a significant distance from neighbouring properties. This application is considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 19, 31, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 6, 12 and 14 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for approval.

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.