CHAIRMAN'S PANEL Held On: Unrecognised Format

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H06-0772-19**	**Applicant:**	**Anglo Plant Ltd**
Proposal:	Erection of dwelling in association with existing plant hire business		
Location:	Land Adjacent: Tilsons Yard Gedney Drove End Spalding		
Terminal Date:	4th November 2019		

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 2019

Sections 5, 6, 12 and 14 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	1	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	1	0	0	1
RESIDENTS	3	0	0	0

Route for determination of application	**Delegated**	X	**Committee**	

CASE OFFICER ASSESSMENT

Proposal

This is a full application for the erection of a dwelling in association with an existing plant hire business on land adjacent Tilsons Yard, Black Barn, Gedney Drove End. The proposal seeks to provide a zero carbon energy positive dwelling which is fossil fuel free and exports more energy to the national grid than it consumes. The purpose of this design is to meet the environmental and sustainability criteria within paragraph 79 of the National Planning Policy Framework (2019). The proposed ground floor will be non-habitable rooms only. A double garage, utility and study are to be sited in this location, with an open plan living / dining / kitchen area above, as well as three bedrooms, a dressing room, an en-suite, bathroom, snug and a rear elevation terrace. With regard to flood risk, the site is located in a "Danger for All" area on the South Holland Strategic Flood Risk Mapping, with a requirement to raise finished floor levels to a minimum of 1 metre above ground level. The external materials of construction will be pale grey insulated cladding panels, black insulated cladding panels, stone filled gabion cages and stained timber. Windows are to be triple glazed to minimise heat / energy loss. Exact materials details will be addressed by condition.

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.

History

H06-0507-18

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

Consultation Responses

Member of the public - 1

OBJECTS

Not in accordance with local and national policy.
Not in keeping with character of surrounding buildings.
Not of outstanding architectural merit.

South Holland Internal Drainage Board

Requests drainage strategy condition.

County Highways & SUDS Officer

No objection.

Environment Agency

Requests development built in accordance with submitted FRA.

Gedney Parish Council

Whilst Council agree that this is an exemplary eco efficient build they would request this application be put before full committee.

Planning Policy

OBJECTS

Unsustainable location
Not justified by local or national policy

Councillor Reynolds

Supports

Environmental Protection Officer

Requests full contaminated land condition.

Planning Considerations

Principle of Development / Local and national policy.
Outstanding architectural merit / Eco credentials.
Wider landscaping of the site.

Principle of development / Local and national policy

The proposal is for an environmentally sustainable dwelling that seeks to meet the criterion within Paragraph 79 of the National Planning Policy Framework (NPPF) for a countryside dwelling of 'truly outstanding or innovative' 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 83 of Section 6 of the NPPF states "Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

b) the development and diversification of agricultural and other land-based rural businesses;

c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

d)the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."

It is considered that the proposal meets Section 6 as in terms of environmental impact, the level of traffic movement and intrusion into the open countryside the dwelling will not materially impact the surrounding area, whilst supporting the continuing operation of an established family business.

The NPPF recognises the need to achieve sustainable development and states "sustainable development is about positive growth - making economic, environmental and social progress for this

and future generations." The proposal will now be assessed again the above three criteria.

Economic

The dwelling would allow the applicant to live adjacent to their business which will provide increased security to the site. The proposed change of use of land to the rear of the site will the allow this successful local business to grow and support the local economy. The proposal will also create temporary jobs during the construction period and use locally source materials. A dwelling in this location will also help contribute to the local economy of Gedney Drove End and Gedney by supporting the businesses within those settlements

Social

The proposal will allow the applicants to live and work on the same site, which should help their business to grow. The dwelling would be an exemplar of energy efficient living and would help to bring forward the issue of the potential of low carbon housing to the attention of the district to address current and future environmental concerns.

Environmental

The proposed dwelling and curtilage will be sited on brownfield land which aids with the sustainability element of the application. The proposed landscaping through retention of the existing drainage ditch and new planting will help improve biodiversity in the area. Other measures that boost the proposals eco-friendly credentials are a wood burning stove, air source heat pump and photovoltaic panels.

Summation of adherence to local / national policy with reference to Paragraph 79 of the NPPF

Despite objections from the Planning Policy department, this site is considered to justify an "exception" because of the outstanding environmental credentials and innovative design features that are supported under paragraph 79 of the NPPF.

Paragraph 79 states:

79. 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 dwelling; or

e) the design is of exceptional quality, in that it:
- is truly outstanding or innovative, 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."

The paragraph states that the development of isolate homes should only be supported if one or more of the above criteria can be satisfied. It is considered the development accords with criterion e of the paragraph.

The decision sets a new bar for a environmentally sustainable dwelling in the district and would immediately enhance the setting of the surrounding area. It is not considered to be visually discordant and compliments the adjacent business and dwellings by proposing a decision that is neutral in tone and not jarring when viewing development in the area as a whole.

Outstanding architectural merit

The NPPF sets out that "Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as 'the exceptional quality or innovative nature of the design of the dwelling".

It is noted that the NPPF also states that great weight should be given to outstanding or innovative designs which help raise the standard more generally, which reflect the highest standards in architecture, which significantly enhance the immediate setting and which are reflective to the defining characteristics of the local area. This does not automatically mean a good design should result in the relaxation of the settlement policy in rural areas. However, truly innovative and exemplar design when taken in combination with the wider impacts on the open countryside may, in exceptional circumstances, be justifiable.

The proposal would employ the very high Passivhaus energy efficiency standards, and would be an exemplar of energy efficient dwelling in the South Holland District. Technical matters relating to the energy efficiency of the proposed dwelling can be found in the supporting documents.

The proposed development is considered to represent an innovative solution that would raise the standards of design in the surrounding area, thereby representing the special circumstances that allow a departure from the South East Lincolnshire Local Plan, 2019.

Wider landscaping of site

It is considered that the proposed landscaping whilst appropriate for the majority of the site does not adequately soften the appearance of the 2 metre high metal railings and the frontage of the proposal site. An email from the agent on 23 October 2019 confirms that they are happy to address outstanding landscaping matters by condition.

Conclusion

In light of the above considerations the proposal is considered to be in accordance 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, 2019.

A delegated approval is considered to be appropriate.

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.