

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0922-21 **Applicant:** Great Night Inns Ltd.

Proposal: Residential development - erection of 2 dwellings - approved under H06-1034-20. Modification of Condition 2 to allow amendments to previously approved plans.

Location: The Rising Sun Pit Lane Gedney Drove End

Terminal Date: 26th October 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
28	The Natural Environment
29	The Historic 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 3. Plan Making;
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 9. Promoting Sustainable transport;
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.
Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0

WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	3	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission was granted for the erection of a pair of 2 bed semi-detached houses in February 2021 (ref. H06-1034-20). The applicant now proposes to provide a separate sewage treatment plant for each plot, which means more space is required for the rear gardens. It is therefore proposed to reduce the approved scheme from 3 bed houses down to 2 bed houses. The main difference is that the rear projecting wings have been omitted and the width of the main part of the building reduced by 1m to approximately 6m.

Site Description

The site (some 0.03ha) is a fenced off grassed area to the rear of the Rising Sun Public House. The Willows is located to the south-east off a private roadway and The Old Police House to the south-west. Sheds/garden land are situated on the opposite side of Pit Lane.

Relevant History

H06-0109-13 - Full - Renovation of public house (retrospective) - Granted 10 April 2013.

H06-1035-20 - Full - Single Storey Extension, Rising Sun PH, Rising Sun PH - Granted 11 February 2021.

H06-1034-20 - Full - Residential development: Erection of 2 Dwellings - Granted 12 February 2021.

Consultation Responses

Gedney Parish Council

Supported

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

Surface water discharge to a watercourse will require land drainage consent.

Environment Agency

Previously requested conditions.

Public

Residents objections/comments received (summarised):

Lane too narrow to accommodate 2 houses; Parking would be an issue for surrounding houses as most of existing properties have more than 1 car, plus persons using the public house; Pit Lane, an already narrow road, will become even more difficult for drivers to navigate and less safe for pedestrians, some of which are children walking to school and playing; Disruption by construction traffic; Rear access and maintenance of treatment plants would require use of private drive; Service vehicles would block road; Affect preserved trees (Pine, Silver Birch and Rowan); Request Swift nesting boxes.

Planning Considerations

The main issues in this case are:

- Policy/principle;
- Character/appearance;
- The likely affect upon the amenity of nearby properties;
- Highway/parking issues;
- Other material consideration such as flood risk, drainage, pollution, etc.

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 Drove End Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Other Service Centres, including Gedney Drove End, 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 committed sites and infill.

In this case, the proposal is a form of infilling within the village envelope. The proposal therefore accords with Policy 1 of the South East Lincolnshire Local Plan, 2019 in locational terms.

Character/appearance

Existing development within the locality is somewhat varied in terms of period and character. The Rising Sun Public House is located to the east, which is a late 18th/early 19th century property with a number of modern utilitarian extensions. A late 19th/early 20th century property (The Old Police House) is situated to the south west and a number of 19th century cottages further to the west on the opposite side of Pit Lane. A modern bungalow is located further to the north-east facing onto Marsh Road. Sheds are located opposite.

The design of the properties loosely reflects that of an outbuilding/granary/stable block traditionally associated with 18th/19th Century properties such as The Rising Sun. The use of split dormers results in a reduced ridge height, more in keeping with existing properties along Pit Lane. Rear projections have now been omitted. It is considered that the development would fit satisfactorily within the rural street scene and would not materially harm the character or appearance of this part of the settlement.

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

Amenity

The Willows is located to the south-east off a private roadway running along the side/rear of the site and The Old Police House to the south-west. Sheds/garden land are situated on the opposite side of Pit Lane. The rear of the Rising Sun is located to the north-east.

The main living accommodation would be on the first floor to address flood risk. Kitchen/bedroom

windows on the front elevation would mainly overlook sheds/garden on the opposite side of Pit Lane. Living room and bedroom windows would be situated on the rear elevation at first floor level. Overlooking of neighbouring property would either be at an acceptable distance or oblique.

Also, the site is currently a grassed area associated with the public house and could potentially be used as a beer garden. Taking this and the aforementioned into account it is considered that the amenity of neighbouring residents would not be harmed to a significantly greater degree in terms of overlooking/lack of privacy, overshadowing, overbearing effect or noise/disturbance.

Although there may be some noise and disruption at the construction stage this could be addressed by means of a construction management condition.

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

Highway issues/parking

Concerns have been raised on grounds of inadequate parking and that Pit Lane is unsuitable in width and construction to accommodate additional development.

In response, the properties are now 2 bed as opposed to 3 bed and are therefore smaller. Each would have two parking spaces. This accords with Appendix 6 (Parking Standards) of the South East Lincolnshire Local Plan, 2019.

Lincolnshire Highway Authority have been consulted as part of the application. They have raised no objections and have previously indicated that should there be demand for more parking, the adjoining highways are restricted and drivers would have to park further afield. It is therefore not considered that this proposal would result in an unacceptable impact on highway safety.

LCC Highways have also previously stressed that the additional vehicle and pedestrian movements along Pit Lane would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact on the highway network. These are the only reasons the National Planning Policy Framework (NPPF) will permit to be cited for restricting or refusing development on highway grounds.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety and parking.

Flood risk/drainage

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. 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. However, the maps are broad brush and do not take into account any flood defences. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test

The SFRA indicates that the site is within an area identified as "Danger for All". However, it is not possible, consistent with wider sustainability objectives, for the development to be located elsewhere within Gedney Drove End with a lower probability of flooding. The exceptions test should therefore be applied. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The NPPF and the PPG set out two elements to the Exceptions Test.

First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, consideration of the wider sustainability issues draws on the criteria for assessing the effects of the South East Lincolnshire Local Plan Documents (defined in the

Sustainability Appraisal Scoping Report). This document provides the most localised criteria for considering wider sustainability issues within South East Lincolnshire. The site is within Gedney Drove End Settlement Limit as defined within the South East Lincolnshire Local Plan 2019. Limited infill development is needed in this area to help sustain the existing community. The proposal scores positively against the aims and objectives of the Local Planning Authority's sustainability appraisal and would provide wider sustainability benefits to the community that outweigh flood risk. This includes the provision of additional sustainable housing to meet the needs of the settlement, as required by the National Planning Policy Framework.

Concerning the second element, the SHDC Strategic Flood Risk Assessment Hazard Mapping shows that flood depths of greater than 1.6m impact on the application site when considering the 2115 0.5% breach scenario. On this basis, the EA has recommended that the dwellings must be a minimum of two-storey with no ground floor habitable accommodation.

Policy 4 of the SELLP relates to flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); it incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

Foul water would be disposed of to private treatment plants within the respective plots. This arrangement is an improvement over the previous scheme where the treatment plant was within the public house car park. The plants could be accessed via Pit Lane as opposed to the private drive at the rear if necessary.

Surface water would be disposed of to soakaways. This arrangement would manage sustainably the surface water runoff coming from the proposed development. In doing so, the design of the development is appropriately resilient to the effects of flood risk and overall climate change indicated within Policy 4 of SELLP. No evidence of poor soil permeability is known in the locality. In any case, the suitability of a soakaway will be tested and subsequently approved at a later stage by SHDC Building Control.

It is noted that this part of Pit Lane can be prone to flooding. Site levels would remain fundamentally the same and surface water would be disposed of via soakaways. The entrance drives would be permeable paviers. However, as a precaution, it is recommended that French drains be constructed at a point where they adjoin the highway to alleviate surface water run-off during periods of heavy rainfall.

The proposal satisfactorily complies with Policy 4 of the SELLP and advice within the NPPF in terms of flood risk/drainage.

Contamination

The site is within an area that historically had pits/ponds. The previous application was therefore accompanied by a Stage 1 Environmental Desk Study. It was reviewed by Environmental Protection, who agreed that the probability of waste on the site, or in the very immediate vicinity, is very low. However, should any waste or significant mad ground be encountered the situation will need to be reviewed urgently. A note is therefore recommended to this effect.

Ecology

Concern has been raised on grounds that the development may harm preserved trees to the rear (south) of the site. However, they are on neighbouring land and are separated by a private drive. It is considered that their continued existence would not be prejudiced.

It has been requested that the proposed houses include swift nesting boxes. Both the SELLP and latest National Planning Policy Framework (2021) indicate that opportunities should promote biodiversity enhancements in respect of new development. A condition is therefore considered justifiable in this case.

Other matters

Concerns have previously been raised on grounds of water pressure. However, this is a matter within the remit of Anglian Water. Disabled access is a matter that is assessed as part of the Building Regulations.

It was previously been alleged that the applicant does not own part of the site. However, a land registry plan was submitted by the applicant that appeared to indicate otherwise. Any dispute over land ownership/encroachment is a separate civil matter.

Planning balance

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 proposal is sustainable and would provide additional residential accommodation within the settlement. It would not materially harm the character/appearance of the locality or the amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. Nearby preserved trees would not be significantly affected.

The number of parking spaces provided accords with Appendix 6 (Parking Standards) of the SELLP. There are no significant flood risk or drainage issues subject to conditions.

The proposal therefore satisfactorily complies with Policies 1, 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021. There are no considerations that outweigh factors in favour of the scheme.

Conclusion

The planning balance lies in favour of the proposal.

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.

Recommendation

That the application be approved under delegated powers.