DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H06-1034-20**	**Applicant:**	**Great Night Inns Ltd.**
Proposal:	Residential development - Erection of 2 Dwellings		
Location:	The Rising Sun Pit Lane Gedney Drove End		
Terminal Date:	13th February 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
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 2019

Sections 2, 4, 5, 11, 12, 14, 15 and 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	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	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	9	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of a pair of 2 bed semi-detached houses.

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 - Under consideration.

Consultation Responses

Gedney Parish Council - Council object this this application. It is not in keeping with the area. Pit Lane is a very narrow lane, parking is a major issue. Council are concerned that 2 new dwellings will add to this problem.

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

South Holland Internal Drainage Board - Request drainage strategy. Surface water discharge to a watercourse will require land drainage consent.

Environment Agency - Request conditions.

Public - Residents objections received (summarised):
Single track lane with no maintenance - unsuitable for additional housing; Inadequate car parking; Cars will park on Pit Lane and will block road, especially since vehicles already park there; Inadequate visibility for the properties behind to pull onto the road safely; Detrimental to highway safety; Overdevelopment; Houses out of character; Flood Zone 3; Flood risk in respect of this corner of Pit Lane; Overlooking/lack of privacy; Overshadowing; Noise/disturbance; Pollution; Pub should be retained; Plot 1 on existing cesspool for pub - drainage septic tank will be on someone else's land; No disabled access; Low water pressure; Ownership issues - telephone pole inside plot.

Information from Applicant's agent (summarised):
The Rising Sun is a well-established public house. It is the last remaining public house in Gedney Drove End. Its new owners are keen to build on the pub's good reputation by investing in a programme of improvements. This includes extending the pub to provide additional space for dining,

toilets and storage.

To help fund the programme of improvements the owners are proposing to develop the area of land to the rear, which is surplus to requirements.

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 concept is outlined within the Design and Access Statement. The design of the properties loosely reflects that of existing cottages along Pit Lane. Split dormers have been incorporated within the development to reduce the ridge height, more in keeping with existing properties along Pit Lane. 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, with the former set back. The general relationship of the development is such that 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 consideration 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, each property would have two parking spaces. This accords with Appendix 6 (Parking Standards) of the South East Lincolnshire Local Plan, 2019. Lincolnshire Highway Authority has been consulted as part of the application. They have indicated that should there be demand for more parking, the adjoining highways are restricted and drivers would have to park further afield or use alternative modes to access the development. It is therefore not considered that this proposal would result in an unacceptable impact on highway safety.

LCC Highways goes on to stress 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 a sewage treatment plant within the Rising Sun Public House cark park and surface water to a soakaway. The latter 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 paviors. 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

Given that the site is within an area that historically had pits/ponds, Stage 1 Environmental Desk Study has been submitted. It has been reviewed by Environmental protection, who have 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.

Other matters

Concerns have 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 has also been alleged that the applicant does not own part of the site. However, a land registry plan has been submitted by the applicant that appears 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.

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 (NPFF), 2019. 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.