DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H06-1035-20**	**Applicant:**	**Great Night Inns Ltd.**
Proposal:	Single Storey Extension		
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
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 6, 12, 14 and 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
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	1	2	0	3

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought for a single storey extension that wraps around the front and rear of the existing public house, plus a minor extension to a store at the rear. It would provide additional space for dining, plus improved toilet facilities.

Site Description

The Rising Sun Public House is located at the junction of Pit Lane and Marsh Road, with a car park fronting onto the latter. Existing dwellings are situated to the south (Choices Folly, The Willows and The Old Police House) and also on the opposite side of Pit Lane (Sunset Bungalow) and Marsh Road (White House, Holly Tree Cottage, Sunny Cottage, etc).

Planning History

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

H06-1034-20 - Full - Residential development - Erection of 2 Dwellings - Under consideration.

Representations

Gedney Parish Council - Council are in favour of the improvements to the Public House. They do however have concerns over the parking area available for the expected increase in custom. Council also require the improvements to be fully compliant with the Equality Act 2010 in offering access mand facilities for the disabled enabling use the amenity independently.

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

South Holland Internal Drainage Board -

Environmental Protection - Request unexpected contamination condition/note.

Public - Resident objections received (summarised):
Inadequate on-site parking - will overspill onto Pit Lane which is unsuitable in width; Pub dates from 18th Century - extensions should preserve heritage of the site; Increased noise and disturbance; Drainage issues; Have previously been issues relating to accessibility to the premises - the previous owner was taken to court over access issues and an independent Access Audit was carried out in 2017 by order of the court; should include satisfactory arrangements for disabled access/parking in accordance with the Equality Act 2010.

Letters of support also received, one of which is subject to disabled parking and a smooth pathway to the disabled entrance.

Planning Considerations

The main issues in this case are:

- Principle;
- Character/appearance;
- Impact upon nearby residents;
- Highway issues.

Principle/Policy

Planning law requires that applications for planning permission be determined 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.

Paragraph 83 of the National Planning Policy Framework, 2019, promotes the sustainable growth of all types of business in rural areas, and the retention of community facilities such as public houses.

In this case the owner is investing in a series of improvements that would help retain and sustain the existing public house, which is the last remaining one within the village. The proposal is in accordance with Policy 1 of the South East Lincolnshire Local Plan, 2019 and advice within the Framework and should therefore be supported in principle.

Character/Appearance

The principal element of the building dates from the 18th/19th Century and still retains some of its original character and appearance. However, it is not listed or within a conservation area. Also, it has previously been altered/extended, including a modern inappropriate flat roof extension on its south eastern elevation, uPVC windows and a utilitarian outbuilding. The latter would be removed and replaced by an extension projecting out beyond the front elevation. The latter would be constructed in red brickwork, with a pantiled roof and has been designed to have the appearance of a converted stable block. It would generally be in keeping with the character of the main building. It would also help conceal the flat roof element when viewed from Marsh Road. Overall, it is considered that the proposal would enhance the character/appearance of the building and locality.

The proposal is therefore in accordance with Policies 2 and 3 of South East Lincolnshire Local Plan, 2019 in this respect.

Residential Amenity

Existing dwellings are situated to the south (Choices Folly, The Willows and The Old Police House) and also on the opposite side of Pit Lane (Sunset Bungalow) and Marsh Road (White House, Holly Tree Cottage, Sunny Cottage, etc).

The site is to the north of Choices Folly to the south-east. Windows on the proposed south eastern elevation serve toilets and a utility. There are no windows on the south-western elevation. Fencing presently exists along the south-eastern boundary. 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 and disturbance. It is therefore in accordance with Policies 2 and 3 of South East Lincolnshire Local Plan, 2019 in this respect.

Concerns have been raised on grounds of disabled access to the public house. This has been taken up with the agent as follows:

"This is a very old building and, as shown on the drawings, there is a step down into the building at the existing front door.

The added benefit of the new extension is that the floor level is higher than the original pub and it will have an external door which serves as a fire exit and as an accessible entrance for those that either find steps difficult or are wheelchair bound. There will be a level threshold to this door that affords access from outside.

An explanation is also provided in the design and access statement under the access section. The owner is committed to improving the pub and the customer experience. Great consideration has been given to providing all aspects of convenience for accessibility which includes toilet provision, internal circulation and accessibility from the outside."

This matter will be addressed in more detail as part of the Building Regulations.

The proposal is in accordance with Policies 2 and 3 of South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highway Safety

There would not be a significant alteration in parking arrangements because the existing outbuilding would be replaced by the front extension. Ample parking would still be available at the front of the property (12 spaces), plus roadside parking along Marsh Road if necessary. LCC Highways has raised no objections on highway safety grounds.

The proposal is in accordance with Policies 2, 3 and 36 of South East Lincolnshire Local Plan, 2019 in this respect.

Flood Risk/Drainage

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).

Gedney Drove End has the highest flood hazard according to South East Lincolnshire Strategic Flood Risk Assessment (March 2017). However, the proposal is solely an extension. In accordance with Paragraph 164 of the Framework it should not therefore be subject to sequential or exceptions tests. Moreover, in this case it would be unreasonable to request raised finished floor levels because they would not relate to those existing and would also affect the historic character of the building and lead to problems concerning disabled access.

Foul water would be disposed of to a sewage treatment plant at the front of the property and surface water to soakaways. The latter would manage sustainably the surface water runoff coming from the proposed extension. 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.

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 would help retain and sustain the existing public house, which is the last remaining one within the village. There are no material objections on grounds of character/appearance or impact upon nearby residents. LCC Highways has raised no objections on highway safety grounds. The proposal therefore satisfactorily complies with Policies 1, 2, 3 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPFF), 2019.

Although there are flood risk issues in this case the proposal is solely extensions to an existing community facility. It is outweighed by other 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.