DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-0109-22**	**Applicant:**	**D & R Property Services Ltd.**
Proposal:	Residential Development - 8 Dwellings		
Location:	Millfield Nursery Mill Lane Gedney Hill		
Terminal Date:	31st March 2022		

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 11. Making effective use of land.
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	0	0	0

WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	1	0	0	3

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of eight dwellings consisting of the following:
Plots 1 and 2 - 3 bedroom semi-detached houses;
Plots 3, 4, 5 and 6 - 4 bedroom detached houses;
Plot 7 - 3 bedroom detached house;
Plot 8 - 4 bedroom detached house.

Description

The site (some 0.36ha) is situated on the northern side of Mill Lane and forms part of nursery premises. It is split by an existing house (Birchwood). A bungalow (Millfield Lodge) is situated to the west. A hedge and footway run along the site's frontage. A cottage (Half Acre) is situated to the north-west set back from West Drove North. Residential development is situated opposite and Gedney Hill Mill (grade II listed) further to the west.

Policies/Constraints

The site is inside Gedney Hill Settlement Limit as defined within the South East Lincolnshire Local Plan 2011-2036 (adopted March 2019).

Site History

H07-0179-18 - O/A - Proposed residential development for 9 dwellings - Granted 7 March 2019

H07-0179-18 - O/A - Residential Development - 2 plots on land to north-east - Granted 9 April 2020.

H07-0927-21 - O/A - Proposed Residential Development of up to 9 dwellings - Granted 4 November 2021

Consultation Responses

Gedney Hill Parish Council

No response.

LCC Highways/SUDs

Request conditions.

South Holland IDB

We recommend that any proposal to discharge water (be it foul or surface water) via a soakaway is supported by testing in line with BRE365 standards. The standards outline that an infiltration test should be carried out three times within the same trial pit on the same day or consecutive days, in order to simulate prolonged heavy rainfall. We note that Shields Watson assert that this is not practical in this location.

As a non-statutory consultee, we do not object to the proposals, however we recommend the LPA assesses the proposals against their own policy to determine whether they are satisfied that the two successful tests in each trial pit are sufficient to evidence the efficiency of soakaways in this location.

The reason for our recommendation is to promote sustainable development within the Board's Internal Drainage District (IDD) therefore ensuring that flood risk is not increased (required as per paragraph 167 of the National Planning Policy Framework).

If a strategy wholly reliant on infiltration does not prove viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection

Request condition relating to unexpected contamination.

LCC Archaeology

Request conditions.

Public

Objections/comments received (summarised):
- Density and consequences from drainage point of view. Conditions should be imposed to ensure that surface water and foul drainage is dealt with in a robust manner;
- Road area on the double bends floods following heavy rainfall to the extent of flowing over the pathway, causing off road flooding and reducing the road to a single carriageway forcing vehicles onto the wrong side of the road on a blind bend. If development goes ahead steps should be taken for the drainage to be addressed either by the developer or a local authority;
- On corner. Concerns over existing vegetation and visibility splays. Hedge should be removed;
- Overlooking/lack of privacy;
- Overshadowing;
- Close to existing trees on neighbouring land;
- Trees to be planted close to neighbouring property;
- Neighbouring properties not shown;
- Concerns over on street parking during construction period. Vehicles shouldn't park on highway;
- Frontage footpath should remain accessible to public during construction period because it is the only safe means of reaching facilities in village, Primary School, etc, on foot;
- All of existing frontage hedging not shown on drawings.

Planning Considerations

The main issues in this case are:
- Policy/principle;
- Character/appearance;
- The likely impact upon the amenity of nearby residents;
- Highway safety;
- Other material considerations such as flooding and drainage.

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 Hill Development Boundary as defined in the South Holland Local Plan, 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Minor Service Centres, including Gedney Hill, 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 allocated and committed sites and infill. Moreover, the majority of the site is part of an allocated housing site (Geh004). No objections are therefore raised on locational grounds.

Concern has previously been raised about the loss of high-quality agricultural land/premises to housing. However, the majority of land within South Holland is either Grade 1 or Grade 2. In order to deliver the Council's required 'objectively assessed housing need,' as per the provisions of the NPPF, it is inevitable that some high-grade agricultural land will be lost. Given this context, it is not considered that the loss of this amount of agricultural land in this location is an issue that would significantly and demonstrably outweigh the benefits of housing development, and thus represent an overriding reason for refusal in this instance.

Character/Appearance

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 stipulates that development should complement and enhance designated and non-designated heritage assets and respect the massing of neighbouring buildings. Policy 29 (The Historic Environment) suggests that proposals that do not preserve or enhance the setting of a listed building should not be supported.

The above policies are consistent with advice within the National Planning Policy Framework, 2021. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 indicates that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The site is within an existing frontage that extends westwards from Myrtle House towards the village centre. It is within the built-up form of the settlement. There is an eclectic mix of properties within the vicinity, including contemporary houses. The proposal is for eight frontage houses to be constructed in either TBS Teversham Blend (buff) or Old Fulford Blend (red) bricks with Crest Planum Grey roofing tiles. It is considered that the proposed development would not harm the prevailing character of this part of the village. Nor would it affect the setting of Gedney Hill Mill (grade II listed), which is situated further to the west.

The proposal is in accordance with Policies 2, 3 and 29 of the SELLP in this respect.

Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The site is split by an existing house (Birchwood). A bungalow (Millfield Lodge) is situated to the west. A cottage (Half Acre) is situated to the north-west set back from West Drove North. Whilst the latter is not shown on the block plan developers are not obliged to include buildings off site on drawings because of surveying difficulties given that such land is outside their control. Residential development is situated opposite.

The semi-detached house on plot 1 adjoining Millfield Lodge has a blank western elevation, other

than a first floor en-suite window set back. The house on plot 4 has an en-suite window only facing east towards Birchwood. Plot 8 is set at an angle with Birchwood and has bedroom and bathroom windows on its rear elevation facing towards the back of the garden of the latter. The occupiers of Birchwood have not objected on grounds of overlooking/lack of privacy. Plot 5 has bedroom and a bathroom window on its rear elevation facing Half Acre to the north-west at an oblique angle. Moreover, the latter has a number of trees along its south-western boundary. Whilst it is accepted that there would be some overlooking of neighbouring property it would mainly be from bedrooms windows, which are used infrequently, and would be oblique. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, blockage of light, overshadowing, overbearing effect, noise and disturbance, etc.

Whilst it is accepted that there would be some disturbance during the construction period it would be temporary and has been mitigated by measures recommended within the construction management plan, including working hours. Matters such as a blockage of view, de-valuation of property and access to neighbouring land are not material planning considerations and carry no weight.

The proposal is considered to be in accordance with Policies 2 and 3 of the SELLP in terms of amenity.

Highway Safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

Concerns have been raised by local residents on highway safety grounds given that the site is located on a bend. However, each plot has satisfactory parking and turning facilities. In this case the site is within a 30mph zone. The County Highways Authority has been consulted and raises no objections on highway safety grounds, subject to conditions, including a satisfactory visibility splay on the corner.

It is noted that the carriageway and footway of Mill Lane on the corner suffers from standing water after heavy/prolonged rainfall. This has been taken up with LCC Highways, who responded as follows:

"As a Highway and Lead Local Flood Authority, it is our role in the planning process to ensure that any proposed development does not adversely impact on the current network. Should the drainage proposals result in not making worse the current situation, it would not be possible to recommend refusal or raise an objection. Whilst we appreciate the concerns, it is difficult to resolve the existing issues raised by residents in relation to this planning application since it is not the role of development to address existing problems.

The proposed development site is not located in a flood zone or at risk of surface water flooding. As part of this application, a drainage strategy and percolation test report has been submitted which demonstrates that the underling geology on the site is suitable for infiltration, therefore not increasing any additional concern with surface water flooding.

Regarding the flooding on the highway, we would ask the enquirer to contact the Local Highways Team on 01522 782070 to discuss this issue of standing water which may be due to an extreme event of heavy and consistent rain fall, before dissipating."

Concern has also been raised regarding parking on Mill Lane during the construction period, plus blockage of the footway. This can be addressed by means of a condition.

Concluding, therefore, the proposal is considered to be in accordance with Policies 2, 3 and 36 of the SELLP, subject to conditions. It is also consistent with advice within the Framework, 2021. Paragraph 111 states that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Other Material Considerations

Flood Risk/drainage

Policy 4 of SELLP is concerned on flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); 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).

The site lies within Flood Zone 1 defined by the Environment Agency Flood Maps. The South East Lincolnshire Strategic Flood Risk Assessment (2017) shows the site to be within an area of no hazard. The site therefore satisfies the sequential test. In terms of flood resistance/resilience measures, it is recommended that finished floor levels be set at 300mm with flood resilient construction.

Foul water would be disposed of via individual treatment plants, with an outfall to crate soakaways. Surface water would be disposed of via crate soakaways, subject to satisfactory percolation tests given the soil structure within Gedney Hill. Such an arrangement is considered to be sustainable. Both matters can be addressed by means of a condition(s).

Contamination

Environmental Protection have reviewed the EPS Limited report 'Phase I & II Geo-Environmental Assessment Land at Millfield Nurseries, Mill Lane, Gedney Hill EPS Ref: UK21.5670' dated15th February 2022 Issue 1 and am in general agreement with the findings. They therefore recommend an unexpected contamination condition.

Archaeology

The proposed development site lies overlies part of an area that has produced crop marks indicating the presence of extensive Roman activity, including settlement, trackways, and field systems.

LCC Archeology have indicated the written scheme of archaeological investigation (WSI) for archaeological monitoring and recording which has been submitted as part of this application would meet the requirements they have previously recommended for this site. They therefore recommend that if permission is forthcoming that the WSI form part of the approved plans, therefore avoiding the requirement for a pre-commencement scheme of works condition. However, they would still recommend that South Holland District Council's standard conditions AR2 and AR3 are added to ensure that due notification of the intention to start the archaeological work outlined in the WSI is provided, and subsequently to ensure that the final report and any finds are properly deposited in accordance with NPPF 205.

Ecology

Policy 3 of the SELLP indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 indicates that all development should provide an overall gain in biodiversity. The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure.

In this case, the site is currently in agricultural use and has few features that are of high value in ecological terms. An existing frontage hedge would be retained but reduced in height to 600mm within the visibility splay on the corner. Additional tree planting is proposed. Biodiversity measures have been recommended.

It is noted that retention of a neighbouring hedge has not been included on the submitted drawings. However, this is outside the applicant's control. Trees along the north-eastern boundary are also outside the applicant's control. The foundations of the dwelling on plot 5 will be designed to ensure that they are not affected by root damage through the Building Regulations.

Planning Balance

The site is within Gedney Hill Settlement Limit and part thereof is allocated for housing within the South East Lincolnshire Local Plan (2019). It is considered that the proposed development would not materially harm the character/appearance of the locality or affecting the setting of Gedney Hill Mill (grade II listed). The amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, blockage of light, overshadowing, overbearing effect, noise and disturbance, etc.

Concerns have been raised on highway grounds; however, LCC Highways have raised no objections subject to conditions.

Whilst the development may have some adverse impacts, including an impact upon residents during the construction stage, they are not sufficient in this case to indicate against the proposal and are outweighed by the benefits of the scheme, including the need for additional housing within the district.

Conclusion

For the reasons outlined above the planning balance lies in favour of the scheme. It is therefore recommended that the application be approved under delegated powers.

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.