DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-0854-24**	**Applicant:**	**Mr P Clough**
Proposal:	Residential Development		
Location:	Land Adjacent To Harvest Lodge Station Road Gedney Hill		
Terminal Date:	10th March 2025		

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
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework (December 2024)

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering and sufficient supply of homes
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

National Guidance

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
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

The application seeks outline planning permission (all matters reserved) for residential development on land adjacent to Harvest Lodge, Station Road, Gedney Hill. The indicative layout shows one dwelling within the site, however the proposed number of dwellings is unspecified.

Site Description

The site is located outside of within the settlement boundary of Gedney Hill as identified within the South East Lincolnshire Local Plan (2019).

The site comprises land which is located on the western side of Station Road, approximately 170mto the south-west of Highstock Lane. A bungalow (Harvest Home) and associated outbuildings are located to the south, and houses off Sycamore View are located to the north. Agricultural land is located opposite and Hubert's Close to the south-east.

Relevant Planning History

H07-0615-15: (Outline Application) Residential development - approved 01 September 2015

H07-0841-18: (Reserved Matters) Erection of bungalow - outline approval H07-0615-15 - approved 15 October 2018

H07-1222-21: (Outline Application) Residential development - approved 25 January 2022

Consultation Responses

Responses have been received from the below referenced consultees. The responses are summarised below, however, the responses can be viewed in their entirety on the South Holland website.

Gedney Hill Parish Council: Support the proposal.

South Holland Internal Drainage Board: The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is

unlikely to grant consent for discharges in excess of greenfield rate. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development Control Charges and Fees. Byelaw 3 (Treated Foul Water I note that the applicant has not indicated how they propose to dispose of foul water from the development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3. Section 23, Land Drainage Act 1991 I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) within the western site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). I note the presence of a Board Maintained watercourse (E05 Bridgefords Drain - DRN196P0502) adjacent to the north/east site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4). Byelaw 10 The Board are pleased to see that the applicant has left clear the 9mmaintenance Byelaw Zone. Whilst not currently proposed, should the applicant's proposals change to include works within 9 metres of the aforementioned Board Maintained watercourse, or if works within 9 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaw 10.

Historic Environment Officer: The proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Highways and SUDS Support: Although access is not to be considered the obvious location for the access is onto Station Road from the eastern boundary to the site - this affords good visibility so it is acceptable in terms of highway safety. Residents of the site on foot would either have to cross Station Road to cross straight back again where the footway commences on the application site to access the dwellings or facilities in the immediate vicinity that are on the same side of Station Road or they would walk within the verge or carriageway when accessing the facilities in the Village in a northerly direction. People will not cross the road to cross back again if they were only going a short way. It is for this reason that a connecting footway to the existing footway network on the northbound side of the carriageway is provided off the back of this development. A condition is recommended requiring a 1.8m wide frontage footway to be installed prior to the occupation of the development. Informatives are also recommended.

Environmental Protection: No comments.

Ecology Officer: No response received

Cllr L J Eldridge: No response received.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Development Plan

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2024 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

There are no adopted Neighbourhood Plans for the area within which the site is located.

The main issues and considerations in this case include the following:

-Principle of Development;
-Design and Visual Impact;
-Impact on Amenity;
-Highway Safety and Parking;
-Biodiversity; and
-Flood Risk.

These matters are assessed in turn below.

Principle of Development

Policy 1 of the Local Plan sets out the settlement hierarchy in respect of delivering sustainable development, which meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is within the settlement boundary of Gedney Hill as identified within the South Holland Local Plan (2019). Policy 1 of the Local Plan set outs that within Minor Service Centres such as Gedney Hill, that 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. Permission for residential development has also previously been granted within the site and the previous permissions forma material consideration in the determination of the current application. The principle of residential development within the site is therefore acceptable.

Design and Visual Impact

Paragraph 135 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping.

Similarly, Policy 2 of the Local Plan outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the Local Plan requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

The locality is characterised by a mix of dwelling types. Houses are located to the north and a bungalow to the south. It is considered that a dwelling could be accommodated without materially harming the character or appearance of the locality. All matters are reserved at this stage, and as such the detailed design would be secured through a subsequent reserved matters application. It is however considered that the site has the capacity to accommodation a suitable design.

Impact on Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of the Local Plan set out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

A bungalow (Harvest Home) and associated outbuildings are situated to the south and houses off Sycamore View to the north. Agricultural land is located opposite and Hubert's Close to the southeast. It is considered that a dwelling could be accommodated within the site without materially harming the amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. These matters would be assessed during the determination of any subsequent reserved matters application.

As such, it is considered that the proposal would have no significant detrimental amenity impacts. The proposed development would therefore accord with the Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in amenity terms.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 116 advises 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, following mitigation.

Policy 2 of the Local Plan sets out that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the Local Plan, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

Lincolnshire County Council's highways team has reviewed the proposals and have set out that the visibility from the site would be acceptable. The team have however recommended a planning condition requiring the installation of a 1.8m footway in front of the site to connect the existing footpaths on Station Road. This condition is not however considered to be necessary as there is not a footpath next to the site to the south-west of the site. This area is also outside the red line boundary.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the Local Plan, as well as Section 9 of the NPPF.

Biodiversity

Section 15 of the NPPF promotes the conservation and enhancement of the natural environment. Paragraphs 187 and 192 ensure sites of biodiversity value are protected through the planning system. Paragraph 187(d) for instance sets out that planning decisions should provide net gains for biodiversity.

Policies 28 and 31 of the Local Plan ensure the preservation and enhancement of the natural environment and that suitable mitigation and adaptation to the climate crisis is in place. Policy 28 also requires proposals to provide a net gain in biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) introduced the requirement for applications to establish a 10% Biodiversity Net Gain (BNG), demonstrated through standard units. Exemptions to this are outlined within The Biodiversity Gain Requirements (Exemptions) Regulations 2024. Section 8 of the Regulations outlines the following:

"The biodiversity gain planning condition does not apply in relation to planning permission for development which:
(a) consists of no more than 9 dwellings;
(b) is carried out on a site which has an area no larger than 0.5 hectares; and
(c) consists exclusively of dwellings which are self-build or custom housebuilding"

Policy 28 of the Local Plan requires all applications to demonstrate BNG. However, Paragraph 20 of the National Planning Practice Guidance on BNG, states the following:

"It would be inappropriate for decision makers to continue to give weight to aspects of existing local policies related to biodiversity gains which are inconsistent with the statutory framework for biodiversity net gain. Decision makers should not give weight to local policy which requires biodiversity gains for types of development which would now be exempt under the statutory framework."

The application form indicates that the proposed dwelling is self-build and is therefore exempt from the requirement to provide BNG. The local authority agrees with this given that the proposal is in outline form only and that the proposed design can therefore be bespoke for the site, when finalised at the reserved matters stage. As such, the development is exempt from the requirement to provide BNG. A legal agreement has been prepared to ensure the proposal is for a self-build / custom dwelling.

There is therefore no requirement for the proposal to demonstrate BNG in line with both national legislation and the Local Plan. The proposal would therefore accord with Policies 28 and 31 of the Local Plan and Section 15 of the NPPF.

Flood Risk

The site is within Flood Zone 3 on the Environment Agency Maps. However, it is not within an area of hazard, as identified by the South East Lincolnshire Strategic Flood Risk Assessment (SFRA) (2017).

The SFRA provides an overview as to how flood risk has been considered in shaping the proposals of the Local Plan, including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the Local Plan sets out that development is Flood Zones 2 and 3 will be permitted in instances where specific criteria is met.

The proposed development is classed as a 'more vulnerable' use, according to Annex 3 of the NPPF. The proposed development is therefore required to pass the sequential and exception tests. The application is accompanied by a Flood Risk Assessment (FRA), and section 3.3 of the FRA sets out how the applicant considers that the development passes the sequential and exception tests.

Paragraph 8.3.6 of the SFRA sets out that the search area for the sequential test should be the whole of the council area unless the functional requirements of the development justify a reduced search area. Paragraph 8.3.5 of the SFRA further clarifies that for replacement dwellings, the consideration of alternative sites is not likely to be a realistic option. Paragraph 8.3.5 sets out that the proposed replacement dwelling should not significantly include the floor area of the existing building.

The submitted FRA does not contain a site search exercise to demonstrate if other sites have been considered and discounted. Notwithstanding this, it is recognised that the vast majority of the council area is within Flood Zone 3 and there are limited opportunities for new housing within lower risk flood areas. The main areas within lower risk flood zones includes Moulton and Moulton Chapel, which are Minor Service Centres. A search has been undertaken by the local authority to establish if there are any alternative sites within a lower risk flood area. No other sites were found. It is therefore considered that the sequential test is passed.

In terms of the exceptions test, Paragraph 178 of the NPPF requires the following to be demonstrated:

"a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall."

The submitted FRA sets out that the finished floor level of the dwelling should be set at 300mm above the existing ground levels. The recommended mitigation accords with the guidance set out within Appendix C of the SFRA. A suitable drainage strategy can be devised as part of the reserved matters application to ensure that surface water is appropriately managed and to ensure the proposal does not increase flood risk elsewhere. It is therefore considered that the exception test is passed. It is therefore considered that the proposed development accords with Policy 4 of the Local

Plan and the intentions of the NPPF in terms of flood risk.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The proposed development is appropriate and would not materially harm the character or appearance of the locality, or the amenity of nearby residents. The development is acceptable in terms of highway safety and overall the proposed development accords with the Local Plan and the NPPF.

Conclusion

Taking these factors into consideration, the proposal accords with Policies 1, 2, 3, 4 and 36 of the Local Plan, as well as Sections 9 and 12 of the NPPF. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.

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.