DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-0927-21**	**Applicant:**	**J Pell & Son**
Proposal:	Proposed Residential Development of up to 9 dwellings		
Location:	Millfield Nurseries Mill Lane Gedney Hill		
Terminal Date:	5th November 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 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	2
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Outline planning permission is sought for up to 9 dwellings, with all matters reserved for subsequent approval. The application is accompanied by an indicative layout plan. It is essentially a renewal of H07-0179-18, which was approved on 7 March 2019.

Description

The site (total area some 0.49ha) is situated on the northern side of Mill Lane and forms part of nursery premises. It is split by two properties; namely, Millfield Lodge (bungalow) and Birchwood (house). A hedge and footway run along the site's frontage. Residential development is situated opposite and Gedney Hill Mill (grade II listed) further to the west.

Land immediately to the north-east presently associated with the nursery has outline permission for 2 plots (ref. H07-0177-20).

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

H07-0177-20 - O/A - Residential Development - 2 plots on land to north-east - Granted 9 April 2020.

Consultation Responses

Gedney Hill Parish Council

No response.

LCC Highways/SUDs

Request conditions.

South Holland IDB

We note that the applicant has indicated that they intend to dispose of surface water via infiltration, however we cannot see that a drainage strategy or plan has been provided for the site. This proposed strategy should be supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If
(following testing) a strategy wholly reliant on infiltration is not 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 conditions relating to construction management and contamination.

LCC Archaeology

Request conditions.

Public

Objection received (summarised):
- Increase in traffic on fast road with limited footways;
- Detrimental to highway safety for local residents;
- No local amenities such as pubs, cafes, doctors, park, etc or infrastructure;

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. In this case 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. It is considered that frontage development (9 plots) could be accommodated without harming the prevailing rural character of the area. It would not affect the setting of Gedney Hill Mill (grade II listed), which is situated further to the west. There is not sufficient reason in this case to restrict the development to bungalows given that existing development within the vicinity is generally mixed.

The proposal is considered to be 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 nearest residential properties are Millfield Lodge and Birchwood which are situated within the frontage. Residential property is also situated directly opposite. It is considered that frontage development could be sited and designed so as not to materially harm the amenity of nearby residents in terms of overlooking, lack of privacy, overshadowing, light pollution, etc. Whilst it is appreciated that there could be some disturbance during the construction phase it would only be temporary and could be mitigated by means of a condition. It does not outweigh the long-term need for additional housing within the district.

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. 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 satisfactory visibility splays for the corner plots. It is also recommended that turning facilities be provided and that the access to plot 8 and 9 be paired, as conditioned previously.

The proposal is considered to be in accordance with Policies 2, 3 and 36 of the SELLP, subject to conditions.

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 is 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 the SHIDB drain to the west of the site, subject to IDB consent. Surface water would be disposed of via soakaways, subject to satisfactory percolation tests. Such an arrangement is considered to be sustainable. Both matters can be addressed by means of a condition(s).

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.

An archaeological evaluation report has been submitted. It has provided sufficient information to enable a planning decision to be made; however, LCC Archaeology requests further work be carried out. This can be addressed by means of conditions.

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. Nevertheless, a condition is recommended requiring biodiversity measures.

S106 Contributions

The proposal falls below the threshold whereby affordable housing and financial contributions (eg, education and NHS) can be sought.

Planning Balance

The site is allocated for housing within the South East Lincolnshire Local Plan (2019). It is considered that housing can be accommodated without materially harming the character/appearance of the locality or affecting the setting of Gedney Hill Mill (grade II listed). Concerns have been raised on highway grounds; however, LCC Highways have raised no objections subject to conditions.

It is accepted that the proposal may have some adverse impacts, including an effect upon the amenity of nearby residents, especially during the construction stage. However, 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.

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.