

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H07-1059-20	Applicant:	D Brown Building Contractors Ltd.
Proposal:	Residential Development - 10 dwellings		
Location:	Off Highstock Lane Gedney Hill Spalding		
Terminal Date:	5th March 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
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
12	Reserve Sites
17	Providing a Mix of Housing
18	Affordable Housing
19	Rural Exception Sites
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework 2019

NPPF2019.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1

WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
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	1	1
OTHER STATUTORY BODIES	0	0	2	1
RESIDENTS	3	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Full application for a residential Development of 10 dwellings. The application plans show four semi detached two storey dwellings and six detached bungalows. All properties are to provide two bedrooms. The application proposes that four of the dwellings are provided as affordable dwellings.

The associated garages and sewage treatment plan are shown and the application is accompanied by a Design and Access Statement, a Flood Risk Assessment, a Stage One Environmental Desk Study and a Heritage Statement.

Since submission unsolicited amendments have been submitted to address the concerns of consultees and to update the Design & Access Statement.

The application development would provide a net gain of 7 dwellings over that already approved.

Site Description

The site sits to the southern side of Highstock Lane, and is part of a wider site that benefits from planning permission, the decisions for which are described below.

Although planning permission is extant for this land under wider permission for a linear Development, this site sits outside the settlement boundary of Gedney Hill, as shown within the South East Lincolnshire Local Plan (SELLP). As such, the site is technically within the countryside. Gedney Hill is considered to be a Minor Service Centre within the SELLP.

The site is partly within Flood Zones 2 and 3 of the Environment Agency's Flood Zone Maps. The

site is within a defended floodplain, as defined in Appendix 1 of the Environment Agency's 'Policy and Practice for the Protection of Floodplains'.

Gedney Hill is a linear settlement at this point, typified by ribbon residential development fronting the highway, with gardens backing on to countryside. There are few examples of backland development in the immediate environs.

History

H07-0015-20 SEC 73 MODIFICATION. Erection of 9 dwellings with associated access - approved under H07-1178-18. Modification of Condition 2 to allow amendments to previously approved plans. Approved 17-03-20.

H07-1125-19 CONDITION COMPLIANCE. Details of external materials, contamination, landscaping, boundary treatment and foul water disposal (Conditions 3, 5, 6, 7 and 9 of H07-1178-18). Approved 31.12.19.

H07-1123-19 FULL. Residential development - erection of 3 dwellings (amendments to H07-1178-18). Approved 22.01.20.

H07-1178-18 FULL. Erection of 9 dwellings with associated access. Approved 08.01.19.

H07-0972-17 OUTLINE. Application for 8 dwellings. Approved 10.1.18.

H07-0729-16 OUTLINE. Application for 23 dwellings was refused on character and flood risk grounds on 29.11.16 and subsequently dismissed on appeal on 7.8.17.

H07-0700-18 FULL. Residential development 14 plots. Refused Oct 2018 for the following reason:

Existing development on the rural fringe of the village is predominantly frontage. The proposal, on the other hand, does not demonstrate that the quantum of development proposed could be accommodated on the site, and the indicative plan would constitute a form of development that would extend out into open countryside at odds with the prevailing ribbon development nearby and would be at odds with the existing historic pattern of development in the immediate vicinity. The proposals would not respect the historic pattern of development in the immediate locality. It is therefore considered that the proposal fails to demonstrate that the development of this land for the quantum of development proposed would not have a harmful effect upon the character and appearance of the rural location. Consequently, the proposal is contrary to Policy SG14 of the South Holland Local Plan, 2006. This policy is in accordance with the National Planning Policy Framework, 2018.

Consultation Responses

Gedney Hill Parish Council

COMMENTS - Would like to raise concerns with the proximity to the Highstock Lane/Hillgate/Station Road junction. In addition the Council would like to raise concerns with the street lighting.

SHDC Housing Strategy

Should the development be permitted the current policy requires about 25% of the development to be provided as affordable housing to meet district wide housing needs. On this occasion the developer is proposing to deliver four x 2 bed bungalows for affordable housing, equating to 40% of the development.

The affordable housing should be delivered in accordance with the affordable housing as described in Annex 2 of the National Planning Policy Framework dated February 2019, or any Planning Policy Statement, Guidance Notes or Circulars which may amend, supplement or supersede this.

Policy 18: Affordable Housing of the Local Plan recommends that a tenure split of 70% in favour of Rented and 30% Intermediate housing for sale dwellings will be sought, whilst appreciating that this may vary on a site by site basis due to factors such as viability or affordable housing need. Policy 17: Providing a Mix of Housing in the Local Plan encourages a mix of house types and sizes to meet a range of needs. The developer is proposing that all four of

the affordable homes will be for Discounted Market Sale to be sold at no more than 80% of the market value. That is an affordable tenure as defined in the NPPF definition but falls within the Intermediate housing for sale component, therefore by proposing all four affordable as this tenure the application does not comply with policy. The developer should consider providing 3 of the 2 bed bungalows for Affordable Rent and the other 1 for Intermediate for Sale, preferably Shared Ownership rather than Discounted Market Sale.

As per Policy 6: Developer Contributions of the Local Plan if the scheme is permitted it would be preferable for the affordable housing to be secured through a s106 agreement. The s106 agreement should include an agreed affordable housing scheme detailing the tenure split, property types and sizes, plot numbers, internal floor areas, design standards and the phasing of the affordable housing units.

It would be preferable for the homes to be built to the 'Nationally Described Space Standards'. Ideally the affordable housing should be spread proportionately across the scheme to enable a mixed and sustainable community.

The developer should also seek to secure a Registered Provider for the affordable dwellings at the earliest opportunity. The Strategic Housing Team can provide a list of RPs with stock in the local area should the developer require this. The RP should be prepared to enter into a Nominations Agreement with the Council to ensure that the rented homes are let to households from the Council's Housing Register.

Secondary comments

- It has come to my attention that this undecided application forms part of a site that has permission for 9 homes, proposing 16 new homes in total. Therefore the four affordable homes proposed by the developer accord with the 25% in the Affordable Housing Policy. As stated in the previous comments the proposition for these four as Discounted Market Sale does not accord with the tenure mix in the Affordable Housing Policy of 70% for Rent and 30% as Intermediate for Sale. Therefore should this development be permitted the preferred affordable mix to best meet needs and policy would be for three to be provided for Rent and 1 for Shared Ownership.

- The applicant has amended the planning statement to offer 2 of the 4 (50%) affordable dwellings as 2 bed dwellings for discounted market sale sold at no more than 80% of the market value and the other 2 affordable dwellings as affordable rented dwellings. This proposed mix does not accord with the 70/30 tenure split in favour of rent within Local Plan Policy, and I am not aware that the developer has submitted any information to evidence that the Local Plan Policy is not viable. Should this application be permitted the preferred affordable mix would be as per Local Plan Policy with 3 of the 4 affordable for rented dwellings and 1 for shared ownership.

SHDC Environmental Protection

No objections or comments.

LCC Highways & SUDS Support

No objection subject to informatives.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

LCC Historic Environment Officer

No archaeological input should be required, and no condition necessary.

Environment Agency

No objection subject to a condition regarding development to be carried out in accordance with the approved flood risk assessment, and suggest informatives:

Information for your authority

Your authority should consider policies 4 and 30 in the South East Lincolnshire Local Plan. Policy 4 (g): Approach to Flood Risk states that 'adequate foul water drainage and disposal already exist or can be provided in time to serve the development'. Policy 30 (8) states that 'development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon surface and groundwater quality'.

Please refer to page 216 of the South East Lincolnshire Local Plan where our concerns on sewage treatment for Gedney Hill are summarised.

It is up to your authority to determine whether the proposed application meets these requirements in terms of sewage treatment, and that it is in accordance with the Local Plan. The matters related to the infrastructure issue should be resolved before planning permission is granted.

Should you decide that connection to mains foul drainage is not feasible for this development then I would draw your attention to our standard comments below.

Connection to mains foul drainage not feasible

In addition to planning permission you may also require an Environmental Permit from the Environment Agency. Please note that the granting of planning permission does not guarantee the granting of an Environmental Permit. Upon receipt of a correctly filled in application form we will carry out an assessment. It can take up to 4 months before we are in a position to decide whether to grant a permit or not.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone.

A soakaway used to serve a non-mains drainage system must be sited no less than 10 metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development.

Where the existing non-mains drainage system is covered by a permit to discharge then an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before we decide whether to vary a permit.

South Holland Internal Drainage Board

Comments -

To avoid conflict between the planning process and the Boards regulatory regime, the LPA is made aware of the following:

- Need for board consent for discharge surface water to a watercourse
- Need for board consent for treated foul water to a watercourse
- Relaxation of bylaw would be required for works within 9 metres of the edge of drainage or flood risk management infrastructure
- should the applicant's proposals change, consent would be required to alter the Board adopted watercourse
- not aware of riparian owned/maintained watercourses within or adjacent to the site.
- the ability to implement a planning permission may be dependent on the above consents and strongly recommend consent is sought prior to the determination of the planning application.

Anglian Water

Comments re originally submitted scheme: There is no connection to the Anglian Water sewers, therefore have no comments.

Lincolnshire Fire and Rescue Service

No objection to the revised plans.

Third Parties

Objections have been received raising the following matters (summarised):

- As the village is still waiting for mains drainage there is going to be major problems with the water table level and as all properties rely on the water going into the ground from either a septic tank and soakaway or treatment plant and soakaway the water has to go into the ground.
- With already massive development on an area that has problems in winter, flushing toilets and washing machine and having showers etc. This is going to cause major problems for the existing properties in the area.
- Once Anglian Water can connect and install mains drainage I feel this is not a great idea unless the builders want to pay to install mains drainage.
- Traffic on Highstock Lane and highway safety in the area.
- Considering the size of the plots that have just been built adjacent to this proposed development it's a bit of a shoe horn job to get them in
- Extra vehicles and with the entrance to the development to a busy junction with a large number of pedestrians crossing to get to the shop and school it does pose a considerable safety risk.
- The local roads leading to Gedney Hill are not in the best of repair and with the increased residential traffic as well as the construction traffic road surface failure becomes more likely.
- The centre of the village is fast becoming just another huge housing estate

One letter has been received making the suggestion that swift boxes are installed.

Planning Considerations

The main issues in this case are:

Principle of Development and Delivery of Housing
Sustainability
Layout and Design
Highway safety and parking
Impact of neighbouring Residents/land users
Flooding considerations
Foul and Surface Water Drainage
Contaminated Land
Heritage considerations
Archaeology

Principle of Development and Delivery of Housing

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 policies of the South East Lincolnshire Local Plan (SELLP) adopted in March 2019, set the development strategy for the District, up to the end of the plan period of 2036.

The application site has consent for residential development, but is technically located within the countryside for the purposes of the local plan. The site was identified as a potential housing site in the South East Lincolnshire Local Plan (SELLP) Draft for Public Consultation, January 2016. However, it was not designated as a "Preferred Site for Development" because sequentially it is less suitable than other sites within Gedney Hill on flood risk grounds. The Flood Risk Assessment indicates that it is partly within Flood Zones 2 and 3 of the Environment Agency's Flood Zone Maps.

Development of this land has been accepted as a result of planning consents listed above, however each of the consents considered a linear development. The one application that proposed a form of development akin to that of this current application was refused and dismissed at appeal. Thus the Local Planning Authority accept the recent and extant permissions on the land, but do not consider that this sets acceptance of further development on the site in the form proposed.

The proposal would constitute a form of development that would extend out in to the countryside, and would be incongruous to the prevailing and approved ribbon development nearby, and would be at odds with the historic pattern of development. As a result this would have a harmful impact on the character and appearance of this part of the settlement; there are medium to long distance views of the site from Gedney Hill that would be detrimentally impacted.

It is therefore considered that the proposal would have a harmful effect upon the character and appearance of this part of Gedney Hill. The proposal is therefore contrary to Policies 1, 2, and 3 of the SELLP 2019, and the provisions of the NPPF 2019 regarding developments response to local character.

The SELLP makes exceptions for development within the countryside, within the Housing Policies. The applicant has amended the application to offer 2 of the 4 (50%) affordable dwellings as 2 bed dwellings for discounted market sale sold at no more than 80% of the market value and the other 2 affordable dwellings as affordable rented dwellings. This proposed mix does not accord with the 70/30 tenure split in favour of rent within Local Plan Policy. The applicant has not submitted any information to evidence that the Local Plan Policy is not viable. The application thus does not accord with SELLP Policies 1, 17 18 or 19 of the SELLP 2019 or the provisions of the NPPF 2019.

The applicant has stated the view that development sites within Gedney Hill are not able to be developed, due to capacity matters. The sites allocated within the SELLP for development within the plan period, up to 2036, are as follows:

Geh003- Land west of Hillgate 3.34ha. 67 dwellings
Geh004 - Land north of Mill Lane 0.82ha. 16 dwellings
Geh015 - Land east of West Drove South 1.44ha. 29dwellings.

The constraints to development are addressed in the SELLP Appendix 7 (page 216 onwards), which sets out the infrastructure requirements, constraints and mitigation for the Housing Allocations in Gedney Hill.

Looking specifically at Gedney Hill, the SELLP states, inter alia:

Water Resources - all of the proposed housing allocations in this area are expected to require improvements to the existing water supply network to enable development to come forward on these sites.

Sewage Treatment - all of the proposed housing allocations in this area are expected to require improvements to the existing foul sewerage network to enable development to come forward on these sites. Discussions must be held with Anglian Water and the Environment Agency with respect to the provision of a Water Recycling Centre for the village. The Environment Agency is concerned about the number of private package treatment plants in Gedney Hill and the quality of their liquid outflow. Two potential solutions appear to exist, which would address the environmental concerns raised by the Environment Agency. These are:

- for the site promoter/developers(s) to make an application to requisition a new sewer from Anglian Water under Section 98 of the Act (the requisitioner contributing to the cost of those requisitioned sewers);

-for the site promoter/developers(s) to construct a package treatment plant to be put forward for adoption by Anglian Water, which meets Anglian Water's reasonable standards for such facilities, and the appropriate land and access is transferred to Anglian Water free of charge and free from encumbrances.

-This issue must be resolved before planning permission is granted.

The applicant takes the view that certain developments within Gedney Hill are not deliverable, however the Council has a recently adopted development plan with a spatial strategy setting out how the housing needs for the area will be met up to 2036. In addition, the Council has an identified 5-year housing land supply (9.1 years as at 31st March 2020). Within the local plan period it is anticipated that development will come forward within the settlement.

Thus it can be seen that the constraints to development are not insurmountable, and would be able to be resolved within the Local Plan period. It not considered that there is an overriding justification

for the development of the application site as presented in this application.

Sustainability

The site is technically outside of, but adjoining the settlement boundary of Gedney Hill, which is designated as Minor Service Centre in the SELLP.

The application proposal would make a contribution to the local economy in terms of construction jobs and assist in the supply of housing, however these benefits would not outweigh the harm identified elsewhere in this report.

Layout and Design

The layout of the development would provide ten detached and semi detached dwellings accessed from a drive. Parking for all 10 dwellings would be from this partly adopted, partly private drive. The two dwellings to Highstock Lane would have a frontage to the lane, however the rest of the development would extend beyond the existing development form, to provide access and parking facilities.

The layout proposed is unremarkable, and would result in off-plot parking to plots 1 and 2, contrary to the provisions of Policy 36 of the SELLP, which seeks to this is augmented by Appendix 6: Parking Standards at least two spaces will be sought *within the curtilage of a residential property*. Poor design and inappropriate parking provision has adversely impacted upon the success of parking in South East Lincolnshire in recent years, particularly in residential areas, in terms of location, control and management. In places, this has created perceived road-safety concerns and cluttered, car-dominated environments. This could be overcome by an amendment to the development scheme if the application were acceptable in all other matters.

Highway safety and parking

Issues of parking have been addressed above. The access to the public highway is not considered to present an issue of vehicular or pedestrian safety, and LCC Highway Service raise no objections.

Impact of neighbouring Residents/land users

It is considered that this development has been sited and designed so as not to materially harm the amenity of nearby residents in terms of overlooking, lack of privacy or overshadowing, due to the orientation of the layout and would accord with the provisions of Policies 2 and 3 of the SELLP relating to residential amenity.

Flooding considerations

The site is partly within Flood Zones 2 and 3 of the Environment Agency's Flood Zone Maps. The site is also located in a low risk area of the recently reviewed Council's Strategic Flood Risk Assessment as defended by the Internal Drainage Board system.

The application is supported by a Flood Risk Assessment that sets out mitigation, to raise the floor levels of the development to 300mm above existing ground levels offering additional protection against impacts arising from any extreme short duration, localised events.

It is not considered that the application raises matters that could not be overcome, thus warranting refusal. The responses of the Internal Drainage Board, Anglian Water and the Environment Agency have been considered.

Foul and Surface Water Drainage

As can be seen from the consultation responses above, details of Foul and Surface Water Drainage could be resolved. It is not considered that the application raises matters that could not be overcome, thus warranting refusal.

Contaminated Land

If the development were acceptable, the details of land contamination study would be addressed by earlier condition consent.

Heritage considerations

It is considered that the proposal would not harm the setting of the former Red Lion PH (grade II listed) some 60 metres further to the west on the opposite side of Hillgate.

Archaeology

The LCC Archaeology Service confirms that no archaeological input should be required, and no condition necessary if permission were to be granted.

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.

Existing development on the rural fringe of the village is predominantly frontage. The proposal, would constitute a form of development that would extend out into open countryside, at odds with the prevailing ribbon development nearby and would be at odds with the existing historic pattern of development in the immediate vicinity. The proposals would not respect the historic pattern of development in the immediate locality. It is therefore considered that the proposal fails to demonstrate that the development of this land for the quantum of development proposed would not have a harmful effect upon the character and appearance of the rural location. Consequently, the proposal is contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the intentions of the National Planning Policy Framework, 2019.

With regard to the affordable housing offered by this proposal, the proposed tenure mix would not accord with requirements of Policies 6, 10 and 11 of the South East Lincolnshire Local Plan, 2019 and the intentions of the National Planning Policy Framework, 2019. The developer has not submitted a justification to evidence that the Local Plan Policy is not viable.

Conclusion

Refuse, for the reasons set out above.

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.