DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H01-0509-23**	**Applicant:**	**Harrison and Cooke Developments Ltd**
Proposal:	Proposed Residential Development of Four Detached Dwellings		
Location:	Pumping Station Mill Drove South Cowbit		
Terminal Date:	21st November 2023		

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
17	Providing a Mix of Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
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	1	0	0	0

WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	1	0	0	0
SHDC INTERNAL	0	0	0	3
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of four 4-bed 2-storey detached dwellings, following the demolition of the existing Goods Shed building (Former Engine Shed).

The proposed development has been amended during the application process, having initially proposed five dwellings of a differing design. However, following proactive discussions with the applicant and applicant's agent, the propsoal was amended. The assessment and recommendation detailed within this report relates to the amended proposal.

It should be noted that the site presently has outline approval for residential development (ref. H01-1170-22).

Site Description

The application site, to the west of Mill Drove South, forms part of a wider area of brownfield land, formerly used as a railway yard associated with the defunct line that ran through the site.

The land has been left unused for a number of years. The site of the proposed development is within Flood Zones 1 as shown on the Environment Agency's Flood Zone maps.

It is also noted that the site located to the north has also been subject to permission for residential development, with an ongoing proposal currently being considered by the Local Planning Authority.

History

H01- 0871-18 - Outline - Residential development - up to 45 dwellings, including re-alignment of Mill Drove to Stonegate Road junction - Approved 15.03.2019

H01-1170-22 - Outline - Residential Development - Approved 16.03.2023

Consultation Responses

Initial Responses Received (Consultation period between 11th July 2023 - 01st August 2023)

Historic Places Officer

This office provided advice on a previous application for the site in 2018 (H01-0871-18). I refer to the recommendation made at that time and reiterate the comments made by my former colleague - The goods shed, built in 1867, provides character, interest and is part of the historic narrative of Cowbit, options should be explored for working with this non designated heritage asset rather than demolishing it. Whilst not Listed, the Cowbit good shed is featured in Historic England's 2016 publication 'The Railway Goods Shed and Warehouse in England'. Retaining the shed could provide a unique opportunity to preserve part of a lost historic aspect of the settlement and create a unique selling point for the development. Once the options have been explored, it will still require a programme of historic building if it is to be converted or demolished.

There is also potential for archaeological remains dating from the prehistoric period on-wards to be present in the vicinity. Archaeological fieldwork in advance of the construction of the A16 bypass revealed evidence of Roman settlement and salt working site around 100m from the proposed development. The field south of Croft House Nurseries has recently been subject to archaeological evaluation (H01-0035-17) which revealed that Roman settlement also extended into this area. It is therefore likely that similar remains could exist on this site, which would be destroyed during groundworks. Cowbit is also a later medieval settlement with potential for earlier origins, evidence for which may be present within the site. Insufficient information is available at present with which to make any reliable observation regarding the impact of this development upon any archaeological remains. It is therefore recommended that a programme of archaeological investigation take place which would potentially highlight some of the unknown archaeology and history of Cowbit and the surrounding area.

South Holland Drainage Board

Byelaw 3 (Surface Water)

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.

Byelaw 3 (Treated Foul Water)

I note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991

The nearest riparian watercourse that I am aware of lies to the west of the site. Whilst unlikely, 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 piped Board Maintained watercourse (DRN193P2801- B28 Parsons Dyke) running adjacent to (and partially within) the eastern 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

From the site plan submitted, I note that the applicant has proposed a house immediately adjacent the pumping station boundary (Drawing number: HCD-0614-23-04, Harrison and Cooke Developments Ltd., 05/21/23) within 9 metres of the aforementioned Board maintained watercourse. Any permanent structures within 9 metres of a Board maintained watercourse is not acceptable

under the Board's Planning and Byelaw Strategy. Therefore, the Board objects to this proposal.

LCC Local Highway and Lead Local Flood Authority

In order to support this application, please can the applicant show a frontage footway to the sites boundary on Mill Drove South and to extend further north to make connection at the access for application shown on H01-1240-22, with a suitable pedestrian crossing points with tactile paving to make connection with the existing footway on the opposite side of Mill Drove South. Additionally, we would ask the applicant to clearly show how vehicles can turn within each individual plot to allow vehicles to enter and leave in a forward gear in the interests of highway safety.

SHDC Environmental Protection Officer

I request a standard contaminated land condition be applied at this location.

Cowbit Parish Council

The Parish Council cannot see how the 5 proposed houses can be built without demolishing the original building.

However, this application does not include demolition prior to building the new houses, and the PC would like to record that they do not wish to see the original building demolished

Responses Received within Re-consultation (Consultation period between 29th September 2023 - 13th October 2023)

Conservation Officer

I do not wish to object to the principle of the proposal. However, as the existing pumping station is considered to be a non-designated heritage asset, I request that prior to its demolition a full, photographic building recording take place. This can be secured by means of imposing SHDC standard condition code AR04, should this application be approved.

LCC Highway and Lead Local Flood Authority

Thank you for consulting the Highway and Lead Local Flood Authority regarding the amended details; Amendment 2 - Amendments to proposal description, amended site plans & amended house designs (HCD-0614-23-07, HCD-0614- 23-08, HCD-0614-23-01a & HCD-0614-23-02). Although the applicant has shown the extended footway further north to make connection at the access for application shown on H01-1240-22, no footway provision to the site's frontage or a suitable pedestrian crossing points with tactile paving to make connection with the existing footway on the opposite side of Mill Drove South has been provided. It should be noted that this information was requesting in our interim response dated 31st July 2023 and therefore, until safe and suitable pedestrian provision can be made, we are unable to support this application in its current form.

South Holland Drainage Board

Byelaw 3 (Surface Water)

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.

Byelaw 3 (Treated Foul Water)

I note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be

required under Byelaw 3.

Section 23, Land Drainage Act 1991

The nearest riparian watercourse that I am aware of lies to the west of the site. Whilst unlikely, 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 piped Board Maintained watercourse (DRN193P2801- B28 Parsons Dyke) running adjacent to (and partially within) the eastern 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

I am pleased to note the applicant has revised their proposal and removed the house within 9 metres of the aforemention Board maintained watercourse (HCD-0614-2307, Harrison and Cooke Developments Ltd, 17/02/2023). However, I note that the applicant intends to extend the footpath to the roadside. It is unclear what the dimensions of the proposed footpath is and whether the entire shaded area is proposed to form this. The shaded area proposed for the footpath extension appears to be directly above B28 Parsons Dyke and therefore, the Board maintains its objection. As per the Board's Planning and Byelaw Strategy, it is unlikely the Board would accept a tarmac/hardcore footpath directly above the pipeline.

SHDC Environmental Protection Officer

No comment on amendment 2. However previous request for a standard contaminated land condition still applies to this location

Responses Received within Re-consultation (Consultation period between 25th October 2023 - 04th November 2023)

Lincolnshire County Council Highways/SuDS

Recommendation: Approve with conditions

The proposal is for a residential development of five detached houses and it does not have an impact on the Public Highway or Surface Water Flood Risk.

Highway Condition 20 - The development hereby permitted shall not be occupied before a frontage footway (dimensions to be agreed), and to be extended further North to make connection at the access for application shown on H01-1240-22, with a suitable pedestrian crossing points with tactile paving to make connection with the existing footway on the opposite side of Mill Drove South, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway. Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, two letters of representation have been received.

These can be summarised as:

1.Lack of pedestrian link to existing footway
2. Proposed Railway Engine shed should be retained
3. This application will increase traffic
4. On street parking regulations via double yellow lines should be included

5. Safety of Mill Drove South junction users in light of additional traffic and existing poor vision splays emerging from Mill Drove South.
6. Proposed materials not in keeping
7. Provision of public open green space to rear of pumping station
8. Contaminated ground investigation and remediation
9. Pre-commencement planning conditions request

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations
- Foul and Surface Water Drainage
- Heritage Considerations
- Biodiversity

Evaluation

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

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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 (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted. The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework 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 in respect of sustainable development 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 in terms of sustainability.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Minor Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within Minor Service Centres will normally be limited to Allocated and Committed sites and infill.

The National Planning Policy Framework (NPPF) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

Para 69 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The application site in this instance is within Cowbit, a Minor Service Centre, and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of residential development within this location is considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

Furthermore, the application site, in part, has been subject to the grant of permission for residential development through an outline propsoal, further highlighting that the Local Planning Authority consider the development of this site to acceptable in principle.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (2023) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 130, contained within section 12 of the National Planning Policy Framework (2023), 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. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Development proposals should also ensure that developments 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, among other considerations.

Likewise, policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, policy 3 accords with the provisions of section 12 of the National Planning Policy Framework, in that it 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.

These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The proposal is for four 4-bed two storey detached dwellings accessed off Mill Drove South. There are two house types that are proposed and the design, although different to the existing dwellings within the vicinity, is not wholly out of keeping. In respect of scale, the proposed dwellings are of a similar nature when viewed alongside existing properties in the vicinity, as there are other two storey dwellings on Mill Drove South.

The proposed layout comprises an arrangement that would utilise the existing land, with an appropriately detailed scheme. The proposed development seeks to provide rear garden spaces to each of the proposed plots, to slightly differing degrees. The layout and design of the proposal, including the scale of the proposed dwellings, are considered to read as a cohesive form of development and would not result in an unacceptable form of development that would adversely impact upon the character or appearance of the area to an unacceptable degree.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework.

Impact on Residential Amenity/Land Users

Paragraph 130 of the National Planning Policy Framework (2023) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposed development, when viewed alongside the neighbouring dwellings to the west, would result in the rear elevations facing the side elevations of the neighbouring dwellings of approval H01-0820-22. The proposed windows on the side elevations of H01-0820-22 are to host the bathroom and the landing.

The proposed development ensures adequate separation distances to neighbouring properties, by way of an appropriate layout and design being put forward. The proposed dwellings are between 12m and 21m from the shared boundaries to the neighbouring properties to the west. Likewise, the layout and design comprise a resultant relationship between the proposed dwellings that is also considered to be appropriate as to ensure that no unacceptable adverse impact would be caused to the residential amenities of future occupiers.

The propsoal would also neighbour development currently proposed to the north of the application site. Having assessed the layout currently propsoed, it is considered that the development would not give rise to an unacceptable adverse imapct to the potential future occupiers of the development hereby propsoed, and that proposed on the neighbouring site to the north.

It is noted that the submitted block plan illustrates the siting of garage buildings to the rear of each plot. Having discussed this matter with the applicant, with no details having been submitted for these garages, this does not form part of the submission. As such, for clarity, conditions have been recommended that clarify this aspect of the drawings.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) 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".

In respect of highway matters, Policy 2 details 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.

Further, policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, 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.

The proposed dwellings would have 4 bedrooms. The proposed driveway layout would be sufficient for the parking of vehicles that could enter and egress the site in a safe and forward manner.

Given that the access would be utilised by the occupants of the four dwellings and their visitors, the volume of traffic is not considered to be significant. Likewise, the resultant development is not considered to result in a significant mark rise in vehicular traffic, albeit this would introduce additional traffic. The vehicular access or pedestrian access, along with movements to, from or nearby to the sites, is not considered to cause detrimental harm to vehicular or pedestrian safety to this part of Mill Drove South. Lincolnshire County Council Highways/SuDS, as Local Highway Authority, were consulted as part of the application process and no objections were raised.

Policy 36, to be read in conjunction with Appendix 6 of the Local Plan, 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. The properties have adequate provision for parking, that serves each of the properties. It is considered that, overall, the development has more than adequate parking within the curtilages of each dwelling.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Footpath

It is noted that the Internal Drainage Board has raised concerns and objections in relation to the intention to extend the footpath to the roadside. These comments outline that "it is unclear what the dimensions of the proposed footpath is and whether the entire shaded area is proposed to form this. The shaded area proposed for the footpath extension appears to be directly above B28 Parsons Dyke and therefore, the Board maintains its objection. As per the Board's Planning and Byelaw Strategy, it is unlikely the Board would accept a tarmac/hardcore footpath directly above the pipeline".

Whilst this is noted, comments received from Lincolnshire County Council highways have requested such footpath link, along with the need for further access measures such as crossing points. however, it is also noted that conditions have been requested from Highways, which seek to gain specific detail in respect of this proposed footpath, with the drawing currently submitted, highlighting an area in excess of that required for the footpath. As such, whilst the comments from the Internal Drainage Board are noted, it is considered that this suitably worded condition, which requires full details of the footpath in question to be submitted and approved by the Local Planning Authority, allows the Local Planning Authority to retain control on this matter and can carry out relevant consultation with the Internal drainage Board.

It is also noted that this footpath is likely to be of more importance to the development to the north; however, the footpath is a positive aspect of the proposals given this provides a clear link between potential development. Furthermore, the applicant has highlighted his agreement to this condition and to provide such footpath within the development.

Overall, this is not considered to be of such a significant issue, subject to the submission of appropriate details required by condition, that would warrant the restriction of development. it is also noted that consent is required by bodies outside of the Local Planning Authority and this decision would not have influence or override the need for such consent.

Flooding Considerations and Drainage

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 162 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

In this instance, the site lies within Flood Zones 1 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Flood Zone 1 has a low probability of flooding from rivers and the sea.

However, it is noted that land that adjoins the application site comprises land within Flood Zone 3, which has a high probability of flooding from rivers and the sea.

Further, the South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of 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 South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

In context of the above, as outlined the site is partially located within Environment Agency Flood Zone 1 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) predominantly identifies the site as 'danger for some'. In terms of depth, it is up between 0.5-1m throughout the site.

In assessing flood risk matters within the adjacent site which is partially within Flood Zone 3, and in previous proposals on site, the LPA concluded that "it is accepted that the development would provide some wider sustainability benefits to the community through its ability to help meet the housing need (including affordable housing), and other benefits including generating employment during the construction period, the provision of public open space and its proximity to a range of services and facilities. Given the above, it is considered reasonable to conclude that the Exceptions Test can be passed in this instance".

Further, the previous propsoal on site concluded that "All of the site is within flood zone 1. As the larger part of Cowbit is within flood zones 2 and 3 this site, being in zone 1can be considered satisfactory for development. Therefore I consider that the sequential test has been passed".

It is also noted that the proposal comprises two storey dwellings, with all bedrooms at first floor level. This would provide refuge for residents should the buildings become flooded after a major breach of the tidal bank, and ensure there is no danger to residents when they are asleep.

In respect of drainage, conditions have been recommended that require the submission of both foul and surface water drainage, to be submitted as a result of pre- commencement conditions.

Overall, when considering the development on balance, it is considered that subject to details as

required by the recommended conditions, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard.

Biodiversity

Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

It is noted that a need for a 10% Biodiversity Net Gain is likely to be forthcoming within the near future; however, to date, with more recent delays to such national policy/guidance, this has not yet come into force. Whilst preferable, it is noted that the development indicates a level of uplift, with the inclusion of swift bricks also being proposed, which are to be required by condition attached to any subsequent approval.

Notwithstanding this, Policy 28 requires a clear indication of a net gain in this respect and as such, conditions have been attached which seek further detail in this regard.

Heritage

The National Planning Policy Framework (NPPF) expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the National Planning Policy Framework (2021) 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".

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

In this context, the application site, often referred to as the 'Station Yard or Pumping Station site', has historic interest and the 19th century goods shed forms part of the historic Cowbit station complex. This complex remains relatively well-preserved and gives this part of the village a distinct character.

Paragraph 203 of the National Planning Policy Framework (2021) relates to non-designated heritage assets and details that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset".

Whilst it was noted that it is not listed, it has previously been expressed that "the goods shed would form part of the character of a development if the building were retained and converted as part of this residential scheme, however as the building is not listed it is not possible to ensure its retention except via agreement with the developer".

Within this application process, SHDC's Conservation officer has not expressed a formal objection, but has reiterated that "the existing pumping station is considered to be a non-designated heritage asset" and requested that "prior to its demolition a full, photographic building recording take place".

Consultation responses were also gained from Lincolnshire county Council Historic Places Team, which outline matters in respect of the propsoed demolition of the building. these note that "the good shed itself was built in 1867 by the Great Northern Railway, and is of through type with two cart docks and attached office (the single storey projection), featuring a prominent chimney with stone decoration and a variety of attractive brick detailing", with the goods shed 'perhaps' being of greater significance. This goes on to express that "Having visited the site, the goods shed appears to be structurally in a good state of repair and it is clear that its form would easily lend itself to a 'barn style' residential conversion, without the need for large extension or new openings (aside from roof lights)", which comprises an approach that would be a preferable approach in the opinion of both the Historic Places team and that the Local Planning Authority.

Concluding on this matter, the comments outlined that "in order to ensure the goods shed is recorded, whether it is to be converted or has to be demolished, it is recommended that the grant of outline permission be conditioned to require any future developer of the site to commission a Scheme of Archaeological Works for historic building recording to be completed prior to works commencing".

When viewed overall, when taking account of the extant permissions on site, those on neighbouring plots and those historically granted, coupled with the merits and control available in regard to the 'Non-Designated Heritage asset', it is considered that on balance, subject to the subject of appropriate details and recording, the propsoal, including the demolition of the exisitng building, is acceptable in this instance on balance.

Comments were also provided regarding archaeology and the need for the submission of further detail in this regard. as such, conditions have been recommended, which would require the submission of detail prior to the commencement of development.

Planning Balance

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

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

The loss of the existing built form, a non-designated heritage asset, is unfortunate. However, on balance, it is considered that the planning balance is in favour of the development for the reasons outlined within the report above.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3, 4, and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPFF) (2023). The are no significant factors in this case that indicate against the proposal and whilst the propsoal comprises the unfortunate loss of an exisitng important building, it is not considered that this would outweigh the consideration in favour of the proposal and the policies referred to above and therefore, the proposal is considered to be acceptable when viewed in accordance with the adopted South east Lincolnshire Local Plan when viewed as a whole.

It is recommended that the application is approved conditionally.

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.