

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H01-0759-24 **Applicant:** Mr J Negus
Proposal: Residential Development - Erection of One and Half Storey Dwelling
Location: Adj. Croft House 98 Stone Gate Cowbit
Terminal Date: 29th November 2024

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
28	The Natural Environment
29	The Historic Environment
30	Pollution
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 9 - Promoting sustainable transport
Section 12 - Achieving well-designed & Beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural 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
HISTORIC ENVIRONMENT OFFICER	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the proposal is for the erection of a dwelling. The applicant has provided site plans, elevations, floor plans, BNG statement and FRA.

The plans show that access to the dwelling will be taken from an 'existing access' though it is not clear when this access achieved permission, though there is a drop kerb on to Stone Gate. A detached dwelling and garage is proposed within the site and an internal driveway would serve both.

The dwelling is a 1.5 storey property, built across two floors with first floor accommodation above the eaves. The principle elevation has a gable feature with gable dormers, there are also roof lights proposed to the front and rear roof pitches.

The ground floor shows an area of 'open plan living', a boot room/utility, study, and lounge and on the first floor four bedrooms are shown.

Site Description

The application site is located close to the roundabout where Stonegate meets the A16. The site is located outside of the settlement boundary for Cowbit and in the open countryside for policy purposes.

The application site is located partly with Flood Zone 2 and partly within Flood Zone 3 in accordance with the EA flood maps for planning. The Southeast Lincolnshire SFRA shows that there is a present day low hazard, and a future potential scenario of 'danger for some'. (2115 modelling)

The application site is located to the east of Croft House, which is a large, detached dwelling set back from the frontage. Opposite the application site is a scheme of dwellings, that are evidently recent. Further east is the roundabout to the A16 and beyond Moulton Chapel Road.

History

H01-0651-23 - Change of Use from Dwelling C3 to Residential Institution C2. Refused 19-09-23
H01-0390-22 - Residential Development - Erection of Single Storey Dwelling. Approved 09-06-22
H01-0035-17 - Proposed residential development of up to 17 dwellings. Approved 17-07-17

Consultation Responses

Historic Environment Officer

buried remains that should be recorded prior to their destruction - NPPF (paragraph 211). I recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a phased approach of archaeological investigation and mitigation work. This will initially comprise but may not be limited to a trial trench

evaluation of the site which should aim to determine the presence, absence, significance, depth and character of any archaeological remains which could be impacted by the proposed development as noted above and to inform a programme of further archaeological mitigation work which may be required if archaeological remains are identified in the evaluation. This will enable any remaining archaeology which currently survives on this site to be properly assessed and recorded prior to their alteration or destruction. This should be secured by South Holland District Council's standard conditions AR01, 02 and 03 and is in accordance with National Planning Policy Framework paragraphs 200 and 211 and the South East Lincolnshire Local Plan (Policy 29).

Highways and SuDs Support

Initial comments

Please demonstrate visibility in accordance with Manual for Streets. Block paved accesses do not form part of our specification - the access should be constructed of tarmac. How will residents of the proposed dwelling walk safely to the footway network into the Village? This is a busy road where the speed limit only just reduces to 30mph from the national speed limit and the site is very close to the roundabout.

2nd comments

Have they provided any response with regards to my interim response comments of "How will residents of the proposed dwelling walk safely to the footway network into the Village? This is a busy road where the speed limit only just reduces to 30mph from the national speed limit and the site is very close to the roundabout

IDB

The applicant proposes to discharge surface water to a watercourse, however the discharge rate has not been provided at this stage. This proposal will require consent under Byelaw 3, and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience. Please note that we recommend that any discharge is in line with the non-statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development Control Charges and Fees

Environmental Protection

I request a standard land contamination condition be applied at this location

Planning Considerations

This is a full planning application for the erection of a market dwelling, located outside of any defined settlement boundary. The proposal would replace the existing caravan that is being lived in by a manager to support the ongoing existing operations.

The following topics are therefore relevant to this assessment.

- Principle of development
- Flood Risk and Drainage
- Highway Safety
- Character and Design
- Environmental Issues including amenity
- Ecology
- Planning Balance

Evaluation

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

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 (December 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

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.

Part D of SELLP Policy 1 sets out permitted development types within the open countryside. It states that *The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside. In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.*

Within the reasoned justification (under para. 3.2.17) housing exception in the countryside are listed, the paragraph states that *Housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing needs of a settlement (see Policy 19: Rural Exceptions Sites).*

The proposal which is for a market dwelling (though self-build) is located within an open countryside location does not appear to meet with any of the aforementioned exceptions. The proposal is therefore contrary to SELLP Policy 1.

On this basis the proposal is considered unacceptable in planning principle.

Flood Risk & Drainage

Section 14 of the NPPF sets out the national policy basis for making assessments in relation to flood risk.

SELLP Policy 4 sets out South Hollands approach to Flood Risk the application site is located within Flood Zone 3 in accordance with EA flood maps for planning. The South East Lincolnshire SFRA shows the area to be at low hazard area.

The policy states 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, where:*

It can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the

sequential test is passed). The sequential test will be based on a Borough or District wide search area of alternative sites within the defined settlement boundaries, unless local circumstances relating to the catchment area for the development justify a reduced search area, i.e. there is a specific need for the development in that location. The sequential test is not required for sites allocated in the Local Plan, minor development or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site).

Furthermore, within the policy justification under paragraph 3.55 it states that *The provisions of the Local Plan will ensure that housing need within settlements is met. However, going forward the steer of national policy will need to be applied and future speculative and windfall proposals will be required to use a Borough or District wide search area when undertaking the sequential test. This will ensure that development is directed to areas at the lowest risk of flooding and that development in the highest risk areas only proceeds by exception (i.e. meeting the Exceptions Test).*

As regards the sequential test, the applicant has stated within the FRA *As can be seen from the map on page 2 approximately half of the site is within flood zone 2 and half is within flood zone 3. The site can be considered an ideal site for development within the Cowbit village boundary and the safety of the development will be delivered by raising finished ground floor levels of properties above the predicted flood level in 2115.*

The South East Lincolnshire Local Plan adopted in March 2019 recognises in paragraph 5.3.5 that infill and speculative applications will come forward within the South Holland District Council area. It states that there will be numerous opportunities for infill developments which it is not practical to identify, and the plan encourages these type of developments provided that the material considerations of the Local Plan and particular sites are met.

Therefore I consider that the sequential test has been passed.

This statement is not correct as the application site is located outside of any defined settlement boundary and within the open countryside. It is considered that a sequential test should have been carried out or at least justification for a reduced area of geographical search. This is not the case and therefore the applicant has failed to sequentially demonstrate that the site is appropriate.

The Exception Test requires two additional elements to be satisfied (as set out in paragraph 167 of the National Planning Policy Framework) before allowing development to be allocated or permitted in situations where suitable sites at lower risk of flooding are not available following application of the sequential test.

It should be demonstrated that:

development that has to be in a flood risk area will provide wider sustainability benefits to the community that outweigh flood risk; and

the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The applicant states of this *The first section will be demonstrated by the Supporting Planning Statement and compliance with South Holland District Council's planning policies. This flood risk assessment will demonstrate that the development will be safe for its lifetime and it will not increase flood risk elsewhere.*

Again, the proposal is not within the settlement boundary and located within the open countryside. The proposal is for a market dwelling and therefore the proposal is not in compliance with 'South Holland District Council's planning policies'. Given the environmental harm brought about by erecting a market dwelling in the open countryside it is not clear how the wider sustainability benefits would outweigh the risk from flooding.

On this basis, despite no objections to the technical drainage elements the proposal would fail the sequential test and is contrary to SELLP Policy 4.

Highway Safety

SELLP 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.

SELLP 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.

SELLP Policy 36 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

The proposal is to utilise and upgrade an existing access from Stone Gate. Parking provision is shown on plan as well as a detached garage. Highways have expressed concerns in relation to the visibility and it is not clear whether this has been resolved through an amended block plan, though concerns in relation to pedestrian access both to and from the property still clearly remain. The applicant also proposed to keep the high treatment to the front of the property.

It is considered that despite this given an existing access is already in situ and that Croft House does not connect to the pedestrian footway network that this could fairly be refused on highway safety grounds. Any permission achieved however would need to provide some form of footway connection along the front of the site.

On this basis the proposal is considered not to align with SELLP policy 2.

Character and Landscape

Policy 2 of the SELLP states 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.

Policy 2 point 1 states that proposal should meet with sustainable development considerations specifically in relation to 'size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses'.

Policy 3 sets out the 'Design of new development' in part it states 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"

The proposal is for a single dwelling which is modest in scale and amount. Given the existing high treated boundaries (and that they will remain albeit in an altered position) it is unlikely that the proposal would give rise to wider character impacts. The raised bund and planting along the boundary with the A16 would also screen the site.

The applicant states that the existing site is residential curtilage associated with Croft House, whilst this may be true for part of the site, the maps associated with the planning history suggest that much of the site including the dwelling sites outside of the defined curtilage. Notwithstanding this the application site is bound by the A16 and Stonegate and given the comments on limited wider impacts then the proposal in character terms is likely to be acceptable.

Environmental Issues Amenity

NPPF Paragraph 135 of the National Planning Policy Framework (December, 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.

SELLP Policy 2 sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

SELLP Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important consideration when considering proposals for planning.

The dwelling would retain a sufficient separation distance from all other residential properties not to give rise to issues relating to residential amenity. Furthermore, given the surrounding uses and road network it is unlikely that the operational use of the application site for residential purposes would

give rise to unacceptable noise and disturbance issues.

On this basis the proposal would accord with SELLP Policies 2 and 30 as well as paragraph 135 of the NPPF.

BNG

NPPF Paragraph 180d is also relevant requiring net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

SELLP Policy 28 is concerned with the Natural Environment point 3 is relevant to this assessment, point 2 is concerned with Nationally or locally designated sites and protected or priority habitats and species and point 3 with addressing gaps in the ecological network.

The applicant has stated that the proposal is for self-build and Custom Housing, this would result in the scheme being exempt from mandatory BNG. Any permission would be subject to a S106 to secure the dwelling in the terms of Self-Build.

Other Matters

The Historic Places Team have requested archaeology conditions to be attached to any permission.

Planning Balance

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

The proposal is for market dwelling located within the open countryside and is therefore unacceptable in planning principle. Furthermore the applicant has not demonstrated that this site is sequentially preferable in flood risk terms or that any wider sustainability benefits to the community would outweigh the risk from flooding.

Furthermore it is not clear whether or not the proposed development would create a safe environment for existing and future users of the Highway. In this instance then, sufficient material considerations do not exist that weigh in favour of the proposal and as such, the planning balance is not support of the development.

Conclusion

Taking into consideration these factors, the proposal is considered to be contrary to Policies 1, 2, 3, 4, and 28 the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). On this basis the proposal is recommended for refusal.

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.