DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0282-24**	**Applicant:**	**R K Wilson Builders Limited**
Proposal:	Erection of 6 single storey dwellings and garages, formation of parking and bin collection point and reinstatement of existing access		
Location:	Riseholme Farm Windmill Lane Gosberton Risegate		
Terminal Date:	31st May 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 5- Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and Enhancing the Natural Environment

Planning Practice Guidance (PPG)

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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This proposal relates to the erection of six dwellings all of which are bungalows. A separate access is required for this proposal off Windmill Lane, located next to the bungalow Marcroft.

House Type A is a 3 bedroomed property with a detached garage. It is 13.38m wide and 8.64m deep and 5.41m high. It would be 2.75m to the eaves. It has a flank window to the living room. There are no windows on the flank elevation facing the neighbouring property. This house type appears on Plots 1, 4, 5, and 6.

House Type B is a 2 bedroomed property with integral garage 10.16m along its longest flank which incorporates a front gable, and 8.93m on the other side. It is 12.09m wide. It is 5.52m to the top of the ridge and 2.71m to the eaves and 4.04m to the top of the front gable. This House Type is used on Plot 2. It has no flank windows.

House Type C is a 2 bedroomed property which is 12m wide and 9m long. It is 2.73m to the eaves and 5.61m to the top of the ridge. This house type is used on Plot 3.

Plots 1, 3 and 6 have a single garage, plots 4 and 5 have a shared double garage. The single garage has a height of 4m and is 2.74m to the eaves. The garage is 2.93m internally and 5.97m long internally with a door which is 2.24m wide. Plot 2 has an internal garage.

Site Description

The site is a farm on the northern side of Risegate Road, Gosberton Risegate. The red line of the application site is situated around a part of the farm which had commercial greenhouses on it, now removed. The railway line is located to the east of the paddock. The site is set back from the road, and does not front the street. The site is within the defined settlement boundary of Gosberton Risegate & Clough which is designated as an 'Other Service Centre'. The site is therefore not in the countryside.

History

H08-0290-24 - Non- Material Amendment - Erection of one dwelling - approved under H08-0515-22. Re-siting of dwelling. Refused 25 April 2024.

H08-0515-22 - Erection of one Dwelling - Approved 14.11.2022

H08-0965-22 - Residential development. Approved 14.02.2023.
This application related to a development of four houses, two of which were bungalows, and two were 2 storey houses.

Consultation Responses

Network Rail]

No response received.

SHDC Environmental Protection

Acoustic barrier fencing and high specification bedroom windows should be used in accordance with the Noise and Vibration report. Specifications to achieve an acceptable night time noise level in accordance with WHO guidance.

Lead Local Flood and Highway Authority

Requests further information.

A note is suggested to say access will be constructed to LCC specification.
Residents should not have to take their refuse bins more than 30m to the collection point.

LCC Historic Environment

Thank you for consulting us on this. Having reviewed the application documents and the available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no archaeological input is necessary for this application.

Welling and Deepings IDB

The consulting engineers have correctly detailed that the proposed discharges into the Board's Risegate Eau Drain will require the Board's prior written consent should planning permission be granted.

The proposed treated effluent discharge application will be subject to the agreement of technical details and payment of the £50 application fee.

The application for consent to discharge surface water from the site will be subject to the agreement of technical details, payment of the £50 application fee as well as payment of the relevant development contribution. Based on the currently submitted information of a proposed total area of 0.1255 hectares and a restricted flow to a maximum of five litres per second, the development contribution payable to the Board in advance of connection is £8,835.74.

The blue line to the east appears to be an easement that I expect AW will place upon the site for adopting the pipework which will outfall into our Risegate Eau Drain to the south of the site.

The proposal is small enough in scale and far enough away from the relatively nearby Grade II listed Cressy Hall and/or Healey & Dobney Mill for me to be confident in assessing that the proposal would not risk harming or indeed influencing the setting and therefore heritage value of the nearby historic environment. As such, I am satisfied that the proposal passes the tests put forth under Policy 29 Section A of the SELLP and as a result, I have no objections.

Public

Strong objections, situated directly behind bungalows on Windmill Lane.
Two bungalows and driveway will overlook bungalow and garden. Doesn't appear to be a boundary fence, plans run across back of existing bungalows.

Entrance cannot be allowed to happen. Only a farm track that has never been used as a domestic vehicle entrance, not an existing roadway. Windmill Lane has no streetlights or footpaths.

-Having 12 vehicles will be severe health and safety hazard to the road.
-Road notorious for speeding.
-Railway approach exit dangerous. Van will block visibility.
-Bin collection will be health hazard, lots of cats and rats. Will attract vermin.
-driveway and hedge being placed further out, on greenbelt land. Old hedge dug up.
-driveway too close to neighbour's property. Cars will splash water onto wooden clad flank of house.
-Lack of amenities in Risegate village. Very small school is oversubscribed. No shop, services, all pubs closed.
-Very upset about planning application. Land owner has submitted another application on site for one dwelling.

Planning Considerations

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 (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 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.

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.

Para 70 of the NPPF (December 2023) 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 Gosberton, 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.

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 (December 2023) specifically relates to 'Achieving well-designed and beautiful 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 135, contained within Section 12 of the National Planning Policy Framework (December 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.

Planning permission has previously been granted for four houses on this site. This proposal intensifies the development by adding a further two dwellings but instead of four houses where 2 were bungalows and two were two storey, the proposal is now for 6 bungalows.

Some of the gardens are very small. The garden depths are as follows:

Plot 1: 7.57m
Plot 2: 7.28m
Plot 3: 5.68m
Plot 4: 9.09m
Plot 5: 9,06m
Plot 6: 7.55m

There is no SELLP policy dictating minimum garden depth sizes. Occupiers would be aware of the garden sizes prior to residing in the dwellings. It is considered that refusal could not be justified on

the basis of garden size alone as a condition could be imposed limiting permitted development rights so as not to restrict garden space still further.

The plots are otherwise arranged satisfactory. There is no issue in relation to general design. Materials can be controlled by condition. One neighbour raised issues associated with boundary treatment which are ambiguous in terms of the boundary with the neighbouring properties. This can be clarified via a condition. Overall, the use of bungalows in this location fits into the character of the area.

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 (December 2023).

Impact on Residential Amenity/Land Users

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.

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.

There are four properties in close proximity to the site along Windmill Lane. These are called West View, Marcroft, Evelyn and Pennytoft. Objections have been received objecting very strongly to dwellings so close to the bungalow's gardens, which generally have small gardens.

Plot 1 would face 'flank on' to its nearest neighbour, and would not have windows in the flank facing this property. The flank of Plot 1 is set in 5.94m from the boundary. The neighbouring property has a 9.51m garden, meaning the two properties would be 14.49m apart from each other. It is correct that this dwelling is much closer than that previously approved, which was also a bungalow. However, the fact that the dwelling is single storey, that a condition could be imposed in relation to boundary treatment, and that a condition could also be added to prevent future windows on the flank, notwithstanding objections, it is not thought that there would be an adverse impact on the property.

Plot 2 has a rear garden of 7.28m. Its neighbour has a garden depth of between 9.55m and 10.30m. The two properties would be 16.85m from each other. This is a face to face relationship with habitable rooms facing each other as the rear garden backs onto the rear garden of the neighbour. Again as the properties would be single storey, subject to a landscaping and boundary treatment condition, it is not considered that the neighbours would suffer from significant loss of amenity.

Plot 3 is set at a slight angle and has the smallest rear garden, with the north west corner of the dwelling set in only 5.68m from the boundary with the neighbour, Pennytoft. Further south the garden tapers slightly to be 7.04m from the shared boundary. This is also a face to face relationship with habitable rooms facing the rear garden of Pennytoft, which has as slighter larger garden of between 11.15m to and 14.8m to the boundary. Between the rear main walls of the proposed and existing property, the distance would be 21.07m. Given the single storey nature of the plots it is not considered that there would be an adverse impact on amenity.

Plots 5 is sandwiched between Plots 6 and 4 and is not near other neighbouring properties. It does not have windows on its flank but a condition is suggested so that no further windows can be added.

Plot 6 fronts the access road and does not affect neighbours, and has a garden depth of 7.55m but faces the blank flank of Plot 5. There is no impact on amenity.

Plot 5 faces inwards into the farm and has a rear garden depth of 9.06m and Plot 4 has a rear garden depth of 9.09m.

Plot 4's flank is set in only 6.90m from the neighbouring property's dwelling to the immediate south, and is only 2m from the boundary. Due to it being single storey, as long as a condition is imposed

not allowing further windows to its flanks, this should not adversely affect amenity.

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 (December 2023).

Flooding considerations

Section 14 of the National Planning policy Framework (December 2023) 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 168 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.

The site lies within Flood Zones 2 and 3 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.

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.

As the site is within a defended area and is not in the functional flood plan the parts of the site within flood zone 3 can be designated to be within Flood Zone 3(a) as defined in Table 1 of the Technical Guidance. Residential development is classified as 'more vulnerable' within Table 2 of the Guidance. This is only satisfactory after the Sequential and Exception Test has been passed.

A Sequential Test is required. Where there is no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2, applying the Exception Test if required. Most of the land north of Risegate Road and west of the railway line is in flood zone 3. The proposed development site was one of 8 considered in the South East Lincolnshire Strategic Housing Land Availability Assessment (July 2018). All of the sites are within flood zones 2 and 3 and the flood hazard and predicted flood depth is zero. Therefore all of the sites, including the proposed development site, are as good or better than many of the sites allocated in the local plan. It is extremely unlikely that an alternative site with a lower flood risk could be found in the area of Gosberton Risegate. The safety of the development will be safeguarded by ensuring the floor level of the proposed new dwellings are above the predicted residual flood levels for the area. The sequential test is considered to be passed.

The Exception test must be applied. It must be demonstrated that the developer provides wider sustainability benefits to the community and outweigh flood risks, informed by the Strategic Flood Risk Assessment; and a site specific flood risk assessment must demonstrate the development will

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

The Strategic Flood Risk Assessment (SFRA) 2010 states the for the present day and for the year 2115 the depth of flooding is zero, the extent of flooding is low or medium flood probability, and the peak velocity is nil. The 2016 update of the Strategic Flood Risk Assessment shows the residual hazards for the 1% fluvial or 0.5% tidal event probability for the present day and for the year 2115 as: depth of flooding - zero; the extent of flooding as low or medium flood probability, the hazard is none and the peak velocity is nil. The site is not within the rapid inundation zone.

The site has the protection of tidal flood defences which are well maintained by the Environment Agency.

The Flood Risk Vulnerability Classification in Table 2 of the NPPG the proposed residential development is classified as More Vulnerable, with Table 1 of the NPPG stating that such uses are appropriate in this zone.

Whist in Zones 2 and 3, the site is protected by adequate flood defences which are maintained by the Environment Agency and the site is shown on the SHDC Residual Floor Hazard Depth and Velocity District - 1% Fluvial and 0/5% Tidal Event Probability 2115 not to be within a hazard area following a breach to the defences.

The ground floor of the dwellings is to be raised to 300mm above the existing ground level.

Flooding from other sources is unlikely to affect the site.

Mitigation measures in construction can be employed.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, 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.

Impacts of Climate Change

In respect of the climate emergency, section 14 of the National Planning Policy Framework (December 2023) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

Changing from glasshouses to housing is considered to be an improvement on climate change terms due to the reduction of surface water run off from the glasshouses. It also reuses land that had previously been used for horticulture.

Taking the above into account it is considered that given the details submitted and those required by suitably worded condition, the proposal is acceptable in this regard. The proposal would therefore be in accordance with Policy 31 of the South East Lincolnshire Local Plan and Section 14 of the National Planning Policy Framework (December 2023).

Foul and surface water drainage

Plans have been submitted related to a proposed Drainage Strategy, together with Drainage Strategy Sections and Details and a Proposed Surface & Foul Water Drainage Strategy.

Foul water would not connect to existing drainage system and would be dealt with via a package treatment plant.

SuDs have not commented on these details as this is not a major development. The details have not been objected to by the IDB.

Since these details have been submitted it is not necessary to impose surface water and foul water conditions.

It is considered that these details are satisfactory.

Noise Impacts

Policy 30 of the SELLP relates to pollution including mitigating the impact of noise and land contamination.

It is considered that standard land contamination conditions are appropriate given that the site is previously developed.

The application for one dwelling under reference H08-0515-22 had a noise condition imposed to safeguard against noise and vibration to the future inhabitants to the dwellings due to the proximity of the railway line.

A noise assessment has been carried out and submitted with the application. It is considered that sound insulation, acoustic window details and acoustic fencing details based on the assessment should to be submitted to and approved by the Local Planning Authority.

Subject to the imposition of the suggested condition it is not considered that the proposal would be contrary to policy 30 of the SELLP.

Impact on Biodiversity

Section 15 of the National Planning Policy Framework (NPPF) seeks to protect sites of biodiversity value, minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

Policy 28 of the SELLP seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and assess proposals directly or indirectly affecting these assets by assessing if the benefits of the proposal would outweigh the adverse impacts on the site and wider network of natural habitats.

Objections have noted that the hedge adjacent to the access has been partly dug up. This is a conifer hedge and is not considered to be of wildlife value. Part of the proposals seek to replace it with a native hedge. A condition could be imposed to ensure the hedge is established within the first planting season following occupation of the development. It is not considered that the loss of an ornamental hedge would lead to loss of wildlife. Its replacement is considered to in the longer term increase biodiversity by providing a species rich hedgerow.

It is not considered, therefore, that the proposal conflicts with policy 28 of the SELLP. Refusal due to the removal of the hedge is not considered to be justified in this instance.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 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.

Furthermore, 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 parking for each of the plots is as follows:

Plot 1 has 2 car parking spaces and a detached garage.

Plot 2 has 2 car parking spaces and an integral garage.
Plot 3 has 2 car parking spaces and a detached garage.
Plots 4 and 5 have 2 tandem spaces and a shared garage
Plot 6 have 2 car parking spaces and a detached garage.

As none of the dwellings exceed 3 bedrooms Appendix 6 requires 2 spaces per dwelling. Therefore the proposals adhere to Appendix 6.

Cycle parking can be accommodated in the garages.

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 (December 2023).

Other Matters

Objections have been received in relation to the collection of waste, including one MP objection. A flat area has been provided for the collection of waste at the entrance to the site from Windmill Lane. One objector has said that this may lead to unacceptable levels of waste being left which would be environmentally unacceptable.

The Council has a private drives waste vehicle collection service guidance note which is a material consideration.
The Council is not under any statutory duty to collect waste from private drives, and can, as waste collection authority, determine the collection point of that waste. It is usually at the collection point at the curtilage of each residential property where it can be collected from the adopted public highway.

The Council wishes to minimise waste collection from private drives. A private drive is involved in this application. The Council seek to avoid approving waste collection schemes which are not capable of being provided. The preferred solution is to ensure access roads are constructed to an adoptable standard. Where private drives are unavoidable, as in this case, the Council do not want more than 6 properties from any one private drive with a carrying distance of more than 30 metres. This reflects Building Regulations Guidance on carrying distances for waste from households.

In terms of adherence to this part of the property - whilst the scheme involves less than 6 dwellings, the carrying distance is in excess of 30 metres. Only plot 1 would adhere to the correct carrying distance.

The policy goes on to state, should the proposal include a joint storage area for waste, this would serve no more than 6 properties and should be on land owned by the proprietor of the private drive. An area of 800mm x 800mm should be provided for each property using the collection point. The design and siting would be expected to take account of the impact upon visual and residential amenity and demonstrate how these impacts have been minimised. Definitive information about maintenance and responsibility of waste collection points will be required to protect against unmanaged deposition of waste. Where private drives are included in a proposal it may be possible to provide for a private waste collection from individual properties.

The current proposal conforms to the aspect of the proposal relating to the scheme being under 6 dwellings. A joint storage area has been indicated on the drawings. The details of this area and any required screening can be conditioned so that it is not visible to the nearest neighbour along Windmill Lane. In addition, the applicant has agreed to a private waste collection condition to devise a private collection scheme. Subject to the imposition of a condition it is not considered that a reason for refusal on waste matters would be justified. It is considered that this resolves the objections in relation to waste.

Planning Balance

Section 38 (c) 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. To determine whether the proposal accords with the Local Plan it is necessary to undertake a planning balance exercise having regard to economic, social and environmental objectives.

In economic terms, future occupants of the houses may work locally, support local services and

therefore make a contribution to the local economy. There would be short term economic benefits associated with the construction of the dwellings and minor long term benefits of increased spends associated with the households living in the village. The economic benefits resulting from the proposal weigh in favour of the proposal.

In community terms, the proposal would make a contribution towards housing supply in the district. This weighs in favour of the proposal.

In environmental terms, the site is within the defined settlement boundary and the existing hedge is proposed to be replaced by native planting. In addition a condition is suggested to achieve biodiversity net gain. In comparison with commercial greenhouses, the balance in terms of environmental issues weighs in favour of the proposal.

Overall, the benefits of the proposal outweigh any harm in the overall the planning balance and as such there is no material harm and no compelling reason to withhold planning permission.

Conclusion

Planning permission is recommended.

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.