DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0928-23**	**Applicant:**	**Ms E Lenten**
Proposal:	Proposed residential development		
Location:	Rear Of 68 Siltside Gosberton Risegate Spalding		
Terminal Date:	14th December 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
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 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

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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks outline planning permission for the erection four dwellings, on land Rear of 68 Siltside, Gosberton Risegate.

The proposal has been submitted with all matters reserved for later approval; however, an indicative proposed layout has been submitted illustrating that the potential form of development, comprising four detached dwellings on the land off Spalding Road.

Site Description

The application site is located to the rear of an agricultural building located on land off Siltside in Gosberton Risegate.

The site is largely screened from the main road by the existing agricultural building and lies within the defined settlement boundary of the area, which is characterised by residential properties of varying ages, scales and designs. The site also lies within Flood Zone 2 and 3.

History

No relevant planning history on site.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

SHDC Environmental Protection Officer

I request a screening assessment form be completed at this location. This can be found at: https://www.sholland.gov.uk/article/11653/Planning-application-consultations

Welland & Deepings Internal Drainage Board

Further to receipt of the above, I confirm that Welland & Deepings IDB have no further comment to make with regard to this application at this stage.

LCC Highways & SUDS Support

No objection subject to the Condition below:

The access to the proposed development is immediately adjacent to the Black Horse Public House. This is to be a Private Drive that will be used by the residents of all four of the proposed dwellings. There is presently a Privet Hedge where the access is proposed to be created and it is suggested

that this will need to be totally removed in order to form the access. This, together with the advised width of the access will effectively merge the proposed Private Drive with the existing access to the adjacent agricultural building. This will be beneficial to the visibility available to drivers entering the highway at both accesses points. The Private Drive will need to be two vehicles width for the first ten metres, to allow simultaneous in and out car movements. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that subject to compliance with the Condition below, the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application.

Planning Conditions:

When Application is made for Reserved matters approval, the submission shall show the Private Drive serving the Consented development being no less than 4.1 metres wide for the first ten metres back from the edge of the public highway and with adequate vehicle turning space within the site. Reason; In the interests of highway safety to allow cars to simultaneous enter and leave the highway so that neither driver has to reverse out into the highway or back into the site in order to pass and so that all vehicles can leave and enter the public highway in a forward gear.

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
- 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 2019 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 2019 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 2019 indicates that within Other 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 Other Service Centres will normally be limited to Allocated and Committed sites and infill.

The application site in this instance is within Gosberton Risegate, an Other Service Centre, and lies within the defined settlement boundaries as detailed by Policy 1. In this context, the principle of residential development within this location would typically be considered appropriate, where development comprises infill development or that on committed sites.

Whilst it is noted that the site lies within the defined settlement boundaries, Policy 1 identifies that within Other Service Centres development would 'normally' be limited to infill development. Although this does not specifically identify that all development proposal's within 'Other Service Centres' must be infill or committed sites, this is a consideration of the policy. In this context, development that is not considered infill development or on a committed site, should typically be limited to those that have a justifiable reason to be located in such sites, such as conversion of existing built forms within the settlement boundaries, or that which corresponds appropriately with the surrounding context.

To provide further context, the supporting text identifies in relation to Other Service Centres', that "A significant number of these settlements are linear in form; it is seen as a particularly important function of the settlement boundary to stop further incremental linear extensions. The scale of development opportunities that might arise were a less restrictive approach to be taken would threaten the spatial strategy of the Local Plan to provide for housing in the settlements of greater need and which offer sustainable bases for development of a larger scale".

In this instance, the development does not comprise infill development, in that it does not seek to infill a 'gap' within an otherwise built-up area. The proposal comprises 'backland development', being located to the rear of an existing agricultural building.

The prevailing character of residential development within the immediate surrounding area is clearly linear in form, with the built form beyond this linear form comprising outbuildings or agricultural buildings in the main, with the residential properties sited as such to be immediately fronting the highway, albeit with slight variations in respect of separation distances and with front curtilages.

The linear form is of typical character within the district for 'Other Service Centres' as described within the supporting text of policy 1. As such, in a settlement in which development of sites that are not infill development should be limited, a backland development within an area predominately characterised by a linear form of development is not considered to be an appropriate form of development and as such, the proposal is not considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan 2019 when viewed in principle. The proposal also comprises development that is at odds with the prevailing character, particularly along Siltside, and is considered to be at conflict with Policy 2 and 3, regardless of the principle of development.

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.

A residential property is situated directly to the south of the site. However, the indicative plan shows satisfactory separation distances could be achieved between the existing properties and the

proposed new development generally. It is considered that the site could be developed without materially harming the amenity of nearby residents in terms of overlooking, lack of privacy, overbearing effect, overshadowing, noise, and disturbance, etc.

It is accepted that there would be some disruption to local residents during the construction stage. However, this would be temporary and could be alleviated by means of a construction management plan if permission was forthcoming.

As detailed above, it is considered that the proposal could be developed as 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 submitted indicative plan shows sufficient space to accommodate at least 2no vehicles for the proposed dwellings. As such, minimum parking standards could be ensured.

In addition, the Local Highway Authority have not raised any objections, however, they have stated that the Private Drive will need to be no less than 4.1 metres wide for the first ten metres back from the edge of the public highway and with adequate vehicle turning space within the site, to allow simultaneous in and out car movements. The submitted plan only indicates a Private Drive width of 3.5 meters for the first ten meters, therefore not complying with the Local Highway Authority condition, nevertheless, the submitted plan is only an indicative plan, and there is space for a 4.1m width for the first 9.2 meters. This matter could be attached by condition, should the recommendation be favourable.

Paragraph 110 of the National planning Policy Framework expresses that "in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users;..."

Paragraph 112 goes on to detail that "applications for development should... give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport...".

In this regard, whilst the plans provided are indicative, there is an apparent conflict between pedestrian and domestic vehicles, in such close proximity to the agricultural/commercial activities from the agricultural building that sits forward of the site. This large building, which the applicant identifies as a storage shed within correspondence, would be situated in very close proximity to the indicative access, with the constraints of the site being such, as a result of the siting of this building, that an access from Siltside would be within close proximity to this building even should this be altered from that of the indicative plan; with an existing residential property preventing an alternative access to this side of the large building.

In light of this, irrespective of the buildings use being as an agricultural building or purely for storage, the building is of a sizeable scale. Pedestrians would have to walk along the private drive past the agricultural building to vacate the site. As such, it is considered that this can be unsafe for pedestrians and domestic vehicle movements from within the site.

The proposal could therefore be acceptable and would not have an unacceptable adverse impact on highway safety in respect of the highway of Siltside, with sufficient parking also being achievable in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework. However, the development comprises constraints within the application site, such as to result in a potential conflict between the existing buildings on site that are to be retained, and pedestrian or domestic vehicle movements within the site. This is considered to result in an unacceptable conflict in which it has not been demonstrated could be overcome, and the proposal, as a result of its lack of 'pedestrian friendly' opportunities, fails to promote sustainable transport methods and fails to ensure that safe and accessible access can be achieved for all users, contrary to Section 9 of the National Planning Policy Framework.

Flooding Considerations

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.

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 2019 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.

The Residual Flood Hazard Map for the 1% fluvial and 0.5% tidal event shows the site being outside of low hazard area for the present day, and for 2116. The Residual Peak Depth Map for the 1% fluvial and 0.5% tidal shows that the site is outside of the area at risk in the present day, and for 2116.

The application in this instance has been supported by a flood risk assessment, however, there are inaccuracies within the submitted document. The content of the flood risk assessment keeps referring to the application site being located within 'Flood Zone 1 of the South East Lincs Updated Strategic Flood Risk Assessment (2016).' This is incorrect as the South East Lincs Strategic Flood Risk Assessment do not have differing flood zones to the Environment Agency's Flood Maps.

Notwithstanding the above, mitigation has been proposed including finished floor levels being 0.3m above surrounding ground level and 0.3m of flood resilient construction above finished floor levels. These mitigation measures would be subject to a condition.

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 2023.

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 2019 and the intentions of the National Planning Policy Framework 2023 in this regard.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed development in this instance would result in the creation of four new dwellings, providing a very minor contribution to the supply of homes within the district and more specifically, Gosberton Risegate. However, this is a minor contribution and is afforded little weight given the unacceptable impacts identified in this case, in addition to the principle of development also being considered to be at conflict with Policy 1 of the South East Lincolnshire Local Plan 2019.

Further to the development providing four additional houses, it is noted that the development would also provide an economic benefit by way of its construction. Therefore, the public benefits attributed with the proposal should be balanced with the harm caused.

Furthermore, 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 and therefore full weight can be attributed to the policies in the South East Lincolnshire Local Plan 2019.

However, in addition to this, the prevailing character of residential development within the immediate surrounding area is clearly linear in form, with the built form beyond this linear form comprising outbuildings or agricultural buildings in the main. Therefore, the proposal comprises development that is at odds with the prevailing character, particularly along Siltside, and is considered to be at conflict with Policy 2 and 3, regardless of the principle of development.

The public benefit of four dwellings within a settlement categorised within those that are the least sustainable within the Spatial Strategy and the economic benefits attributed with the resultant construction, are considered to be minor benefits, in comparison to the harm caused and the unacceptable nature of the development. It has been clearly identified that the development fails to accord with the adopted Development Plan and therefore results in a significant harm weighing against the proposals.

Therefore, there would not be an outweighing public benefit. As such, it is considered that the proposal for the erection of four dwellings would be contrary with the Policy 1, 2, and 3 of the adopted development plan (South East Lincolnshire Local Plan, 2019) and Section 12 of the National Planning Policy Framework 2023.

Conclusion

In conclusion, the recommendation is that the proposal should be refused for the above reasons, as it is considered that the proposal for the erection of four dwellings would be contrary with the Policy 1, 2, and 3 of the adopted development plan (South East Lincolnshire Local Plan, 2019) and Section 12 of the National Planning Policy Framework 2023.

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.