

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-0965-22 **Applicant:** Mr P Waudby
Proposal: Residential development
Location: Riseholme Farm Windmill Lane Gosberton Risegate
Terminal Date: 17th February 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
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 2021

Section 5- Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
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

Planning Practice Guidance (PPG)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	1	0	0	0
RESIDENTS	2	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This proposal relates to the erection of four dwellings. Two of the dwellings are bungalows, whilst the remaining two dwellings are two storey. A separate access is required for this proposal off Windmill Lane, located next to the bungalow Marcroft.

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

A separate application reference H08-0515-22 for one dwelling adjacent to the plot on the same site was approved on 14-11-2022. This proposal was originally for five dwellings on a paddock next to the railway line, but the application was amended to remove four houses, and re-locate the remaining house from the paddock to a location behind the existing barn. The current proposal under consideration represents the re-location of the four dwellings which were removed from the original application which needed to be a separate application as the red line boundary had changed so that it is now away from the paddock and railway line, behind properties along Windmill Lane.

Consultation Responses

Gosberton Parish Council

No response received.

SHDC Environmental Protection

Requested the standard land contamination condition applied at this location.

Also a noise condition similar to the application previously approved for one dwelling on the site is suggested in addition.

LCC Highway & Local Lead Flood Authority

No objection subject to compliance with the informatives.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Whilst there are no footways along Windmill Lane to provide pedestrian access to the permitted dwellings, this situation has prevailed for the several existing residential properties along this road and elsewhere within the settlement of Gosberton Risegate, for many years, without apparent

difficulty and it would therefore be unlikely that a reason for withholding the grant of Consent by reason of the absence of footways would, in such circumstances, be sustainable. The development would replace an existing commercial use on the site which would have generated and attracted vehicle movements on the local highway network. This is a modest development of just four dwellings and the vehicular movements associated with this level of new residential development should be capable of being safely accommodated on the existing road network. The development proposes to utilise the existing vehicle access to the former yard without much change to its geometry but it is proposed to resurface this roadway to a standard equivalent to that of an adoptable highway. The roadway and the internal running areas are to be kept private but it is proposed to provide a collection area adjacent to the public highway where refuse may be placed for collection without obstructing the public highway or the access road. Adequate space is to be provided within the site for parking and manoeuvring of vehicles. In view of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety and does not wish to object to this planning application.

LCC Historic Environment Officer

No archaeological input required.

Welling and Deepings Internal Drainage Board

If any discharges of surface water or treated effluent are proposed to any watercourse then the prior written notice of the Board will be required. Any application would be subject to the agreement of technical details, payment of the application fee and relevant development contribution.

The Right Hon Sir John Hayes CBE MP

On behalf of his constituents expresses concern concerning the impact upon the development would have on the area. Windmill Lane is a single track road with no passing places, street lights or footpaths so, four additional large family homes will result in a significant increase in traffic movements. There are fears about road safety. Concerns about refuse collection. Where and how will it be collected?

Gosberton Risegate is a small village with very few amenities, no shop, bus stop and an over subscribed primary school. Constituents are worried about how infrastructure will cope. There is also potential loss of wildlife and overshadowing. Letter should be treated as an objection and dealt with at planning committee.

Public

Comments in relation to original scheme for 4 x 2 storey dwellings

2 responses received from 2 households raising some or all of the following points:

- access is to single track road, no streetlights or footpaths, 30mph speed limit, which is dangerous and impractical. Traffic increase on single track road.
- Removing hedges will affect wildlife, especially bats, not environmentally friendly.
- Lack of amenities in area. Getting doctors and dentists appointments already impossible. No public houses or local shops, school over subscribed.
- Properties will affect privacy and result in overlooking bungalows and garden. Will overshadow bungalows in Windmill Lane

Amended scheme for 2 bungalows and 2 x two storey dwellings

4 responses received from 2 households:

- Still against the proposal - nothing changed to address: access is to single track road, no streetlights or footpaths, 30mph speed limit, which is dangerous and impractical. Traffic increase on single track road.
- Removing hedges will affect wildlife, especially bats, not environmentally friendly.
- Lack of amenities in area. Getting doctors and dentists appointments already impossible. No public houses or local shops, school over subscribed.

- Properties will affect privacy.
- Will sit directly behind row of bungalows. Overlooking bungalow and garden. 4 properties will overshadow bungalows on Windmill Lane.
- Plots 4 and 5 will still be able to see straight into living room.
- Bin store a health hazard. No wheely bins in the village, mess outside house.
- BT pole affected.

Planning Considerations

Principle and Sustainability

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

Policy 1 of the South East Lincolnshire Local Plan 2019 (SELLP) relates to the overall settlement hierarchy of the district and encourages development in more sustainable locations. The site is within the defined settlement boundary of Gosberton Risegate & Clough which is designated as an 'Other Service Centre'. This is identified as an area of development constraint but the Local Plan states that within these settlement boundaries development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited to committed sites and infill.

It is noted that objections from some local residents cite claims that the village does not have capacity for residential development and the proposal would have impact on village services. This is further highlighted from and MP objection which points out that Gosberton Risegate is a small village with very few amenities, no shop, bus stop and an over subscribed primary school. He reiterates that constituents are worried about how infrastructure will cope. These concerns are acknowledged and taken into account. However, the introduction of four houses is unlikely to result in measurable adverse impacts on local services or affect infrastructure. The addition of four dwellings may marginally increase local spend to help sustain services. Whilst resident comments are noted, it is considered that difficulties with existing local services would not be a reason to withhold planning permission within the settlement boundary of the proposed dwellings. The application site is situated within the settlement boundary and as a result, the proposal represents infill development. It is also on previously developed land. As a result, the proposal does not conflict with policy 1 of the SELLP in principle. The proposal is not within an unsustainable location.

Size, Scale, Layout and Design

Policy 2 of the SELLP states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to, amongst other things, size, scale, layout, density, impact on amenity, character and appearance of the area and the relationship and impact on existing development and neighbouring land uses, the quality of design, access and vehicle generation level and visual intrusion.

The site is bounded by residential bungalows along Windmill Lane to the west, and the rest of the farm to the south. Bungalows in Windmill Lane have small rear gardens and their main aspects face the western boundary of the application site, closest to proposed plots 1 and 2 on the application site. The access point is proposed to be off Windmill Lane adjacent to Marcroft. The refuse collection point is on the other side of the access on a flat concrete base away from Marcroft on the northern side of the access point.

The village has a variety of styles and materials and is made up of properties of varying ages. Whilst one objector has said that the village is mainly composed of bungalows, whilst it is accepted that the immediate vicinity of Windmill Lane are bungalows, there are two storey properties interspersed throughout the village and in the immediate locality, some of which are older than the bungalows. In principle, it is not accepted that the proposal should consist entirely of bungalows as a result of the character of the area. Whilst amendments have been sought in terms of plots 1 and 2, this has been in relation to the need for reducing the impact on neighbouring properties, rather than reflecting the character of the area. A scheme which is a mixture of bungalows and two storey properties is considered acceptable.

The site is situated on previously developed land as greenhouses occupied this part of the farm (as

single storey structures) and were situated in close proximity to the houses along Windmill Lane. Whilst the site has been cleared of the greenhouses at present, structures have occupied this site albeit in materials made of glass. The glasshouses occupied a large portion of the site and were situated closer to the boundary than the current proposals. Google Earth images show the glasshouses still in situ at the time of writing, showing the glasshouse edges to be within 5.5m of the boundaries with rear gardens along Windmill Lane. They also represented a continuous structure along the entire length of the rear gardens with no visual breaks. In comparison, two residential bungalows, set further back to where the greenhouses were located, represents an improvement in design terms.

In terms of overall size and scale, 4 properties on this plot are not considered to be excessive. The layout shows four properties on each corner of the plot, with ample space around them, with gardens larger than Windmill Lane. The scale and size of the properties are not considered out of keeping or out of character, particularly in view of the previous use. The layout of both plots 1 to 4 and their garages are therefore considered satisfactory in terms of design and layout. The external appearance is not considered to be out of character.

The properties would sit behind the road to the rear of the plot, with a separate access off Windmill Lane. Whilst they would be visible in the street scene to some extent, they would not be dominant in appearance or be significantly out of character with the area. The position of the plot mitigates the impact on the street scene. There is not considered to be a significant impact on the character or amenity of the area. Visual intrusion within the landscape would not be significant or harmful. It is considered that the scheme is better in comparison with when the greenhouses were in situ on previously developed land in design terms.

The proposed dwellings are therefore considered to be satisfactory in terms of overall design and layout. The proposal is considered to comply with policy 2 of the SELLP.

Impact on Neighbouring Residents/Land Users

Policy 3 of the SELLP requires all development to create distinctive places, with inclusive design and layout, be sensitive to the landscape character, and take into account residential amenity.

Strong objections have been received from residents along Windmill Lane relating to loss of privacy, overlooking and overshadowing of their houses and gardens. The overshadowing concerns have been reiterated by the MP who has reinforced these concerns from his constituents. This has been taken into account.

Given the small garden size of the bungalows in Windmill Lane, and as a direct result of objections received, amendments were requested in relation to Plots 1 and 2. These have now been amended to be bungalows with rear gardens set to face the properties in Windmill Lane in excess of 10 metres, so the buildings form a set back. Plot 2 is 'side on' to the gardens of Windmill Lane and has only one flank window facing rear gardens in Windmill Lane in obscured glass to an en-suite. This property is set in from the boundary by 8.85m and 9.66m respectively (the boundary is not straight). The proposal also has a detached single storey garage which is set in 2.18m from the rear boundary of gardens along Windmill Lane. Two garden structures exist in the rear neighbouring gardens along the boundary with Plot 2 which appear to be a rear garage/shed and a greenhouse/shed on the adjacent plot. Both of these provide some screening to Plot 2 and obscure its view. A condition can be imposed to restrict further windows on the western flank of the property to prevent further openings being formed, and permitted development rights can be restricted not to allow roof extensions. Given that Plot 2 is set in from the boundary by 8.8m (considerably further than the extent of the previous greenhouses) and has now been designed to be single storey, together with the existence of structures in the rear gardens of Windmill Lane, it is considered that there would not be significant overlooking, loss of privacy, or overshadowing to either the houses or gardens of Windmill Lane from Plot 2.

Plot 1 is the same basic layout as Plot 2 but it is positioned to face the rear gardens of Windmill Lane. This does result in more windows facing the boundary. The design would have four openings facing the boundary with the rear gardens in Windmill Lane, with two bedroom windows, a living room and a dining area, all at single storey. Whilst it is accepted that these windows would face the boundary of properties in Windmill Lane who have objected in relation to overlooking, overshadowing and loss of privacy, Plot 1 is a bungalow and its rear garden is slightly larger than Plot 2 with set in distances of 11.3m and 10.9m. A fence will also separate the properties of Plot 1 and the properties in Windmill Lane. In terms of layout, as long as permitted development rights are

restricted on the properties so that living accommodation cannot extend closer to the boundary, it is considered that, whilst the impacts on neighbouring properties have been carefully considered, the set in distance and single storey nature of Plot 1 means that significant overlooking, loss of privacy or overshadowing would not occur. A condition can be imposed so that dormer windows or roof extensions cannot be added to the property subsequently on the rear elevation of Plot 1 to protect residential amenity of neighbours from windows at first floor level.

Both plots 1 and 2 have single storey garages close to the boundary with properties along Windmill Lane. These have an eaves height of 2.5m and a ridge height of 4.8m. Whilst they are double garages, these are no different from other structures in a domestic garden, and consequently it is not considered that these will adversely affect amenity, despite the fact that these are closer to the boundary than the previous greenhouses. The garages would act to partially screen the dwellings to some extent.

Plots 3 and 4 are two storey in height but are positioned further away than properties along Windmill Lane. Plot 3 is 9.6m to the top of the ridge and 5.36m to the eaves. The projecting gable is 7.84m to the top of the ridge and 4.4m to the eaves. Plot 3's nearest wall is 32.6m away from the western boundary, and Plot 4 is situated 29.7m from the boundary. One objector has said that there will still be overlooking and loss of privacy from these dwellings, another objector stated that the amendments changed nothing. In terms of the layout of plot 3, the design is that of an 'L' shape with bedrooms 4 and 5 facing the boundaries of properties along Windmill Lane. There are no windows in the western elevation from these bedrooms. At ground floor level a secondary dining room window is positioned on the western flank. The other part of plot 3 has a projecting gable (projecting northwards) which has the master bedroom at first floor with two secondary windows, and garage at ground floor facing west. This gable is 38.19m away from the western boundary. In addition, the single storey garage of Plot 2 is in line with this part of Plot 3. Whilst there are secondary bedroom windows and a dining room window at ground floor facing west, the sheer distance away from the boundary means that significant overlooking would not occur (38.1m). Overall, plot 3 is set the furthest back from the properties associated with Windmill Lane. Despite the strong objections it is not considered that overshadowing, loss of privacy or other adverse effect on amenity would occur.

Plot 4 has a living room, study and hall windows facing the western boundary, and at first floor would have two bedrooms, and a landing window facing west. The height to the main eaves is 5.1m, the height to the highest ridge is 9.1m. The height to the addition's ridge is 6.45 and to its eave is 3.44m. This two storey property is sat behind plot 1 which will help to block ground floor windows from being visible from single storey level. Whilst the first floor windows would be visible, the distance away from the rear boundary at 29.7m is sufficient to ensure that significant overlooking would not occur. Overshadowing and loss of privacy also would not occur due to its position within the plot and distance from the boundary. It is not considered reasonable that a refusal would be justified. It is concluded that significant overlooking, loss of privacy or overshadowing would not occur in terms of plot 4.

A condition is suggested to ensure that no further windows would be inserted on the elevations facing the gardens in Windmill Lane to protect amenity.

It is not considered that the proposals affect other neighbouring properties.

Taking into account the proposed conditions, the design is considered acceptable and does not adversely affect the character of the area or significantly affect residential amenity. The proposal does not adversely affect landscape character to any significant degree due to its position within the farm, particularly its position on land which has been previously developed. The policy does not conflict with policy 3 of the SELLP.

Flooding considerations

Policy 4 of the SELLP relates to the approach to flood risk and details how development proposals will be determined, including sequential testing and other relevant considerations.

The Environment Agency Flood Map identifies the site as being in Flood Zones 2 and 3, with the eastern half of the site within flood zone 2 and the north western part within flood zone 3. These areas have a higher probability of flooding. 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 Environment Agency has provided flood levels for the River Glen. The levels quoted in the Flood Risk Assessment below are approximately 100 metres downstream of the road bridge at West Pinchbeck. The Peak 1 in 100 year flood is 4.86m OD in 2007 and 5.23m OD in 2115, the peak 1 in 1000 year flood level is 4.96m in 2007 and 5.49m in 2115.

There is no risk of surface water flooding to the site as observed from the Environment Agency Website in terms of predicted depths of surface water flooding.

The site is not on a functional flood plain as defined by PPS25. The risk of flooding from any Environment Agency watercourse is very low. The risk of flooding from IDB watercourses is also extremely low.

The Flood Risk Assessment recommends floor levels to be 300mm above the level of Risegate Road, south of the development site. Occupiers of the properties should register with the Environment Agency's Floodline Warnings Direct Service to receive automated early warnings of potential flooding.

It is not considered that the proposal fails the Sequential or Exception Test. Taking into account the above it is not considered that the proposal conflicts with Policy 4.

Foul and surface water drainage

On site surface water will be discharged into soakaways if ground conditions are satisfactory and these should be designed to BRE Digest 365 and approved under building regulations. The access should be constructed in permeable paving.

There will be no discharges of surface water or treated effluent to any watercourses.

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

Subject to the imposition of relevant 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.

Environmental protection have suggested standard land contamination conditions 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. To be consistent, and despite the fact that these proposals are further away from the railway line it is considered prudent to impose a similar condition which seeks a noise assessment with sound insulation and acoustic window details based on the assessment, to be submitted to and approved by the Local Planning Authority. One noise assessment can be used for all 5 dwellings.

Subject to the imposition of the suggested conditions 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 been received in relation to the removal of the hedge adjacent to the access, as it is considered important for bat habitat and other wildlife. These objections have been also made by the MP who is concerned about the potential loss of wildlife on behalf of his constituents.

The agent has submitted photographic evidence of the state of the hedge. Amended plans have been received which have brought the hedge inside the red line of the site. In addition the agent has submitted an amendment showing that the existing hedge is in poor health, and is an ornamental conifer hedge, with significant browning at the lower part. It is not a native species and therefore its wildlife value is questionable as a result. It is understood to have been planted to act as a windbreak when the glass houses were in situ.

The agent confirms that the hedge will be replaced with native hedgerow which will consist of: a thornless mixed native hedging, with 25% Hornbeam, 25% Field Maple, 25% Hazel and 25% selected from a minimum of 5 other species including Common Dogwood, Green Beech, Bird Cherry, Wild Crabapple, Guelder Rose and Common Alder. Density would be 3 plants per square metre. This mix would have a much greater biodiversity value than the current single species conifer. Whilst the concerns have been taken into account, the removal of the hedge could not reasonably be resisted, particularly as it is not native, and not subject to any form of tree preservation order. The replacement of the hedge with native planting is considered to be biodiversity net gain. This will better serve the bat population in the longer term once established. 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.

A condition can be imposed to require other biodiversity measures for items such as swift and owl boxes. These measures are considered to be adequate to demonstrate biodiversity net gain. 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

Policy 36 of the SELLP states that all new development should provide vehicle and cycle parking in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (Appendix 6). Plots 1, 2 and 4 have double garages and plot 3 has an integral garage.

Plots 1 and 2 are 3 bedroom houses. Plot 3 is a 5 bedroom house. Plot 4 is a four bedroom house.

Appendix 6 of the SELLP requires 2 spaces for dwellings up to 3 bedrooms and 3 spaces for dwellings with 4 or more bedrooms with 1 cycle space. Therefore plots 1 and 2 require 2 car parking spaces and one cycle space, and plots 3 and 4 require 3 spaces and one cycle space each.

A garage can count as one space if it is 2.6m x 5.6m internal width, with an additional 1m at the end to park cycles.

Each of the three detached garages on site are 5.73m x 5.75m which is enough for either 2 car parking spaces or one car parking space and space for one cycle. Each of the three garages have space for 2 car parking spaces outside.

Plot 3 has an internal garage with an internal width of 5.6m x 5.7m. This means it can accommodate 2 spaces internally, or one space internally and a cycle space. It can also accommodate 2 car parking spaces outside.

The proposals have parking which is in excess of the standards and therefore comply with the car parking standards.

It is acknowledged that local residents and the MP state that Windmill Lane is a single track road with no passing places, street lights or footpaths and they feel that four additional large family homes will result in a significant increase in traffic movements. There are also fears about road safety. Whilst these concerns have been taken into account, the proposal conforms with the Council's car parking standards and the Local Highway Authority has not raised an objection. Paragraph 111 of the National Planning Policy Framework states that "Development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

It is not considered to be justified to refuse planning permission on safety grounds without an objection from the Local Highway Authority.

The proposal does not conflict with policy 36 of the SELLP.

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.