DECISION DELEGATED TO HEAD OF PLANNING
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Application No:	**H16-0875-24**	**Applicant:**	**Spalding & District Civic Society**
Proposal:	Proposed fixed stone sheep sculptures		
Location:	Land Adj. To 1 Sheep Market Spalding		
Terminal Date:	20th December 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
01	Spatial Strategy
02	Development Management
03	Design of New Development
28	The Natural Environment
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section(s) 12 and 16 of the National Planning Policy Framework (December 2024) (NPPF)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This planning application is for the erection of 7 small sheep sculptures, constructed using stone, arranged in a flock at the public land adjacent to 1 Sheep Market.

Each of the sculptures is designed in stylised interpretation of a sheep, and will include 1 black sheep, representing a black longwool. The white sheep would be constructed of white Cadeby Limestone, the black sheep would be constructed of Kilkenny Limestone.

Each sculpture will be of the following dimensions 500mm wide x 650mm high x 1000mm long.

Site Description

The proposal site is an area of open public footpath, and is within the context of the highly prominent and historically important sheep market section of the Spalding Conservation Area (SCA).

The site is within very close visual proximity to a number of listed buildings, including the directly adjacent Grade II* listed 1 Hall Place, and Grade II listed 18 and 19 Hall Place.

The area generally is characterised by a mix of commercial development of varying eras and styles.

History

None relevant

Consultation Responses

LCC Highways

No objection subject to imposition of Highways Informative 08

SHDC Environmental Protection

No objections

LCC Historic Places Team

No archaeological input required.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

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
- Heritage 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 (December 2024) 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.

Principle of Development

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.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan (2019) indicates that within Sub regional 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.

The application site in this instance is in Spalding as detailed by Policy 1, a Sub Regional Centre. Regardless, the proposal solely relates to the erection of a street decoration and therefore, the principle of such development is considered to be appropriate, comprising an appropriate form of development for the location.

As such, the proposal is considered to be acceptable with the requirements of the South East Lincolnshire Local Plan (2019) 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, and impact on highway safety, 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 2024) specifically relates to 'Achieving well-designed places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout 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 (December 2024) and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

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

The proposal represents a modestly scaled, stylised and carved set of sheep sculptures. The design and scale of the proposal is such that it is not anticipated that the proposal should bear any undue harmful impact upon the immediate area. The design, whilst open to personal interpretation is attractive in its own way and makes an apt representation of the subject matter, whilst making a positive and interesting contribution to the surrounding street scene.

Taking the above into account, 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 (2019) and Section 12 of the National Planning Policy Framework (December 2024).

Impact upon neighbouring land users

Paragraph 135 of the National Planning Policy Framework (December 2024) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

The proposal is only a ground level construction with a maximum height of 1.4m at its tallest point. Due to this fact coupled with the lack of ground floor residential space in the immediate vicinity confirm that the proposal would not risk any undue material overlooking or overshadowing risk to nearby residential/domestic space.

The LPA does not consider there to be any material risk to local businesses or the visibility of their marketing displays. A functional footpath exists between the proposal site and the only adjacent businesses, meaning that pedestrian traffic will still enjoy unimpeded views of local businesses. Furthermore, the scale of the proposal is not such that it would risk creating a visual barrier to other potential passing trade.

Regarding the potential for antisocial behaviour, this is not a material planning concern, and it would be an expectation that the relevant policing authorities would enforce against any criminal behaviour. At any rate, the proposal site is already a public space, and there is no evidence to suggest that the proposal would contribute to or exacerbate any criminal or antisocial behaviour.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Heritage Impact

Section 16 of the NPPF (December 2024) concerning conservation of the historic environment states that When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. It also confirms that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Policy 29 of the SELLP (the Historic Environment) confirms in general "To respect the historical legacy, varied character and appearance of South East Lincolnshire's historic environment, development proposals will
conserve and enhance the character and appearance of designated and non-designated heritage assets, such as important known archaeology or that found during development, historic buildings, conservation areas, scheduled
monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design."

Regarding development in the setting of Listed Buildings, Policy 29, Section A also asserts that proposals affecting their setting will be supported where they preserve or better reveal the significance of the asset.

The same is confirmed regarding Conservation Areas under Policy 29, Section B, which also confirms that development within the context of a Conservation Area shall retain and reinforce local distinctiveness with reference to height, massing, scale, form and materials as well as mitigate against any negative impact a proposal might have on the townscape, roofscape, skyline and landscape.

In this case, the proposed development is within the context of a listed building and the conservation area.

Assessing against Section 16 of the NPPF, we can confirm that the proposal is not considered to bear any negative impact upon the historic environment or any specific assets within. This is because of the attractive and interesting nature of the proposal, mixed with the small scale and the historic context that the proposal adds to the townscape. Regardless, any conceivable harm in this instance would only ever be classified as 'less than substantial harm' and therefore could be balanced against the public benefit, which is clear in this case, by beautifying the public townscape and adding historic narrative context to the historic environment such that would significantly outweigh any perceived harm to the historic environment.

By adding a sculpture which, in some small way adds to the historic context of the town, and in a way which is unobtrusive the ability to appreciate any designated asset (listed buildings or the SCA), the proposal conserves the setting and also better reveals the history of the local historic environment.

The proposal is therefore considered to be in accordance with Policy 29 of the South East Lincolnshire Local Pan and Section 16 of the National Planning Policy Framework (December 2024).

Highways Impact

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

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 (2019), 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.

In this instance, the proposal bears no impact upon the local highway network, which is confirmed by means of the LCC Highways consultation response. The proposal represents a small public art installation on a patch of largely unused open pedestrian space, leaving plenty of open footpaths unobstructed. Furthermore, the proposal is neither a visitor attraction, and neither does it bear any effect upon any existing parking provision.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

Biodiversity Net Gain

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

"Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".

The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.

The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan, or
(c) the development is exempt from the biodiversity gain condition.

For applications that are submitted prior to the introduction of this requirement, the development would exempt from the mandatory 10% requirement and as such, the Biodiversity Gain Condition would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

When taking the above into account, the development in this instance due to the minor scale of the proposal and the lack of protected environments on site, given that the proposal site is a paved public area, the proposal is deemed to fall within the statutory exemptions and is therefore exempt from the statutory 10% Biodiversity Net Gain requirements.

Conclusion

For the reasons listed above, this application is deemed to be in accordance with Policies 1, 2, 3, 28, 29, 36 and Appendix 6 of the SELLP as well as Sections 12 and 16 of the NPPF. Therefore, the recommendation is to approve.

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.