

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H22-1070-23 **Applicant:** Weston Consolidated Charity

Proposal: Residential Development - Erection of 2 Dwellings

Location: Off High Road Weston Spalding

Terminal Date: 8th February 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
17	Providing a Mix of Housing
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

- 2 - Achieving sustainable development
- 4 - Decision-making
- 5 - Delivering a sufficient supply of homes
- 12 - Achieving well-designed and beautiful places
- 14 - Meeting the challenge of climate change, flooding and coastal change
- 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This proposal seeks outline permission with some matters reserved, for the erection of two dwellings on land off High Road, Weston. The application seeks to establish the principle of development through the outline permission, with the matters relating to access, comprising the location of the proposed vehicular accesses, being submitted for assessment.

The application has been supported by an indicative proposed site plan, illustrating an indicative design that shows two detached dwellings with separate driveways and turning heads. The supporting information identifies that finished floor levels are to be set at 500mm above existing ground levels, with a further 300mm of flood resilient construction.

The application form states that the proposal is for two 3 bedroom dwellings, albeit the matters relating to scale and appearance are reserved. Two almshouses approved under reserved matters application H22-0802-22 are sited beyond the western boundary of the site and are subject to a S106 Agreement that includes the site area of this application.

The proposal details that surface water is to be addressed via soakaways, with foul water addressed by mains sewer.

A site visit was conducted on Friday the 8th of December 2023.

SITE DESCRIPTION

The site lies beyond the defined settlement boundary of Weston as defined in the South East Lincolnshire Local Plan (adopted March 2019); albeit, adjoining the boundary.

The application site is relatively flat, with a drain to the front of the site. Grassed agricultural land is located to the northern rear of the site. Two semi-detached bungalows, approved under H22-0802-22, are located to the west of the site. 189 High Road is located to the east of the site, with two storey dwellings at 202a and 206 High Road located to the south of the site, residing to the southern side of the road.

The housing allocation, referenced under Wsn029 within Policy 11 of the South East Lincolnshire Local Plan (adopted March 2019), is located to the north-east of the application site. This site is currently under construction and was approved under reference H22-0887-21.

Four dwellings that lie outside of the defined settlement boundary, to the south-west, were approved under references H22-0302-16 and H22-0303-16 and are in occupation. There are a small number of allotment buildings sited approximately 110 metres north from the rear boundary.

The site is in Environment Agency Flood Zone 3, and in a "Low Hazard" / "Danger for Some" hazard area, with a maximum predicted flood depth of 0.5 metres on the 2115 South Holland Strategic Flood Risk Mapping. However, the indicative plan shows the dwellings being located in an area with a maximum predicted flood depth of 0.25 metres.

RELEVANT HISTORY

H22-0190-19

Outline - Residential development (4 plots) - Refused - 02 May 2019.

H22-0733-19

Outline - Residential development (4 plots) - Approved - 09 February 2021.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 5th December 2023 and 28th December 2023)

South Holland Internal Drainage Board - 18 December 2023

The Board have stated that consent has already been granted for the alteration of a watercourse to the front of the site. They have also stated that consent may be required for discharge of water to a watercourse. The proposed surface water drainage method is via soakaways.

"I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the southern site boundary and that works are proposed to alter this watercourse through the installation of three access culverts. The applicant has approached the Board to make applications for consent under Section 23 of the LDA 1991, which have been granted under the references 22_07227_C, 22_07293_C and 22_07294_C on 28th November 2022."

Lincolnshire County Council - Historic Places Team - 18 December 2023

"The proposed development is situated away from the historic centre of Weston, but in an area that has previously produced evidence for Saxon settlement and other activity, as well as earlier remains from the Roman period. These were revealed during evaluation ahead of the construction of the Weston bypass, and in evaluation trenching associated on a proposed housing development to the east, on the north side of High Road."

"Geophysical survey was conducted in 2022 in connection with a previous planning application covered most of this Site. The geophysical survey did identify potential archaeological features, perhaps enclosures and/or salt making, just to the north of this Site but with the potential to extend into this area. In general interpretation of the results was made difficult by the geological conditions. A trial trench evaluation identified a ditch containing medieval pottery just to the east of these potential features."

"The Site, therefore, has the potential to contain archaeological remains and further information is required in order to make an informed decision on the application. NPPF 2023, para. 194 states: 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'"

"It is recommended that a trial trench evaluation of the Site is carried out prior to determination and the results submitted along with the application. A decision on the need for/nature of mitigation can then be made. This office will be happy to offer further advice on the requirements for this work."

It is considered that this matter can be addressed by a pre-commencement condition.

South Holland District Council - Environmental Protection - 19 December 2023

No comments.

Lincolnshire County Council - Highways & SUDS - 22 December 2023

No objections. The Officer requests standard access and utility informatives.

Weston Parish Council - 23 January 2024

"The Parish Council had no objections or comments to make on the application."

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 Consideration of the Character and Appearance of the Area
Impact on Residential Amenity/Land Users
Parking/Highway Safety
Flooding Consideration/Drainage
Section 106 matters from H22-0733-19
Outstanding matters from representation

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 above.

The policies and provisions set out in the National Planning Policy Framework (updated December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is also able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Presumption in Favour

Paragraph 10 of the National Planning Policy Framework details that "so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)".

Paragraph 11 expresses that for decision-taking this means: "c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Principle of Development 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.

As such, development within these settlements, subject to the proposals compliance with other relevant National and Local Plan Policies, may be considered acceptable in principle where they lie within the settlement boundaries of that settlement.

It is noted that the National Planning Policy Framework (NPPF) (December 2023) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

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 lies within a postal area of Weston, a settlement that is identified as a Minor Service Centre within Policy 1 of the South East Lincolnshire Local Plan. However, the site lies beyond the clearly identified settlement boundaries for this settlement; albeit immediately adjacent, as specified within Policy 1.

Policy 1 of the South East Lincolnshire Local Plan states that "the rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside". As referred to, this site is located outside the Weston Settlement Boundary, as defined within the South East Lincolnshire local Plan. It is therefore regarded as being within the countryside in policy terms. As such, the application site falls to be assessed as a 'Countryside' location, as detailed by this spatial policy.

Policy 1 expresses that development within the countryside is limited to that where it "is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits". In this regard, residential development within the open countryside, which does not meet a specific housing need as illustrated within the supporting context of Policy 1, would therefore typically be resisted in principle.

The proposal in this instance, when viewed in isolation, has no specific or identified need to be located in such a location and no evidence has been provided to demonstrate that the development of two market houses is 'necessary' for such a countryside location. Therefore, it is important to review and assess the economic, social (community) and environmental benefits that can be demonstrated whereby the proposal "meets the sustainable development needs of the area" in this regard.

- An economic role:

It is considered that the proposed development would have the capacity to support the local economy through employment opportunities associated with construction of the development and through the future occupants who may work locally and support local services. These are considered to have limited weight overall, given the clear policy conflict and lack of evidence that demonstrates a more acceptable location, in policy terms, cannot be developed; coupled with the limited period to which some of these economic benefits would serve.

- A community role:

The proposal would make a contribution towards housing supply in the district, by proposing two additional market houses. However, these proposed dwellings lie outside of the defined settlement boundaries and the Local Planning Authority are able to demonstrate in excess of a 5 year housing land supply. Therefore, the benefits of two market dwellings is limited and considered to attribute minimal benefit.

Furthermore, the proposal does not seek to provide any provisions or benefits that could be attributed to the sustainable needs of the area, with any further benefits being attributed to the development or future occupiers themselves and as such, not providing a wider benefit to the sustainable needs of the area.

- An environmental role:

It is not considered that the occupiers of the proposed dwellings would have any greater reliance on the use of motor vehicles to access services, facilities, employment etc. than those within the wider area, given its close proximity to the defined settlement boundaries and the immediate neighbouring site being a housing allocation. However, Policy 1 states that "In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits". The environmental benefits of the proposal are limited, and the proposal does not demonstrate how the development would provide an environmental benefit that meets the sustainable development needs of the area, not solely the development site.

In light of this, it is considered that the proposal offers limited benefits in regard to Policy 1, in respect of economic, community or environmental benefits that meets the sustainable development needs of the area. As such, the proposal is, in this regard, considered to be at conflict with Policy 1 of the South East Lincolnshire Local Plan.

Beyond this, the supporting text to Policy 1 states that "housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing settlement needs of a settlement (see Policy 19: Rural Exceptions Sites)".

The application site comprises an undeveloped parcel of land that is not considered to meet the provisions of either of these policies. The proposal comprises the residential development of two dwellings, within land that is defined as being countryside in policy terms. It is noted that the site forms part of a wider application, under reference H22-0733-19 which attributes weight and forms a material consideration in the assessment of this case. It is also noted that this previous approval comprised a discussion in respect of Policy 19 and 'Rural Exception', which will be discussed below; however, when viewing the current proposal independently the proposal does not meet the provisions of either of the policies outlined above.

In light of the above, it is also clear that the proposal does not fall under the provisions of either Policy 22 (Replacement Dwellings in the Countryside) or 23 (The Reuse of Buildings in the Countryside for Residential Use), two policies also specifically referred to within Policy 1.

Policy 17 is also relevant to housing proposals whereby they comprise Custom and Self-Builds. This Policy outlines that the provision of new houses will seek to meet the long term needs of the plan area. However, with reference to custom and self-builders, it suggests that the Local Plan will seek to meet these housing needs. It does not state that this should be done in a manner inconsistent with the Plan's spatial strategy policies, including through granting permissions.

However, returning to the matter regarding the extant outline planning permission on site, reference H22-0733-19 was approved by the Local Planning Authority on 09th February 2021 and granted outline permission for the erection of four dwellings (comprising two almshouses and two market houses). This permission required the submission of Reserved Matters applications within three years from the date of the permission (09th February 2024), with the need for development to have commenced within two years of the last approval of Reserved Matters. As such, the permission obtained under outline application H22-0733-19, remains extant at the point of submission and determination of this case.

It is worth noting that the two almshouses were subject to a Reserved Matters submission, which sought permission solely for the two almshouses. This Reserved Matters application was approved, and these two dwellings have since been developed - forming a pair of semi-detached bungalows.

This extant permission comprised a wider site, incorporating additional land to the west and as such, in part, comprised the application site being considered under this outline planning application. Therefore, the application site subject to this application has extant planning permission, in the form of an outline proposal, which is a material consideration that would hold considerable weight in the planning balance.

In conclusion, it is evident that development on the edge of settlements, or within locations that immediately adjoin the defined settlement boundary would not typically be supported or acceptable by the Local Planning Authority, with these proposals being deemed contrary to Policy 1 of the South East Lincolnshire Local Plan.

However, the site history form part of an overall assessment of a case and in this instance, the site is subject to an extant planning permission for four dwellings; of which two almshouses have been constructed. In light of this, given the extant permission in place on site, the principle of development for two further residential dwellings within a location similar to that identified within the indicative proposed site layout plan has been established.

As such, whilst typically resisted and while the proposed development is at conflict with Policy 1 of the South East Lincolnshire Local Plan, when taking all of the above matters into account, the principle of development of two further residential dwellings in this location is considered to be acceptable in this instance.

It is worth noting that this application is for outline permission only. Therefore, it is considered appropriate to limit the permission to a period of one year, with a note to the applicant that a further renewal is not likely to be supported by the Local Planning Authority given that we currently have a 5 year housing as of 31st March 2023.

This assessment 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 amenities of neighbouring buildings, and parking provision 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.

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.

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.

This is an outline application with some matters reserved. The sole matter for determination is the location and design of the two access points to the two plots. Lincolnshire County Council Highways

Officer has no objections to the submitted layout and requests standard access and utility informatives.

The application form illustrates that the proposal is for two 3 bedroom dwellings, with the indicative site layout plan demonstrating how two detached dwellings could be achieved on site. It is noted that the proposal does not specify whether the dwellings are single or two storey; however, the proposal is in outline form at this stage.

Given the need to raise finished floor levels 500mm above ground level to address potential flood risk, increased consideration must be given to boundary treatment and the relationship to the almshouses to the west and 189 High Road to the east at detailed design stage. The properties should be designed to not appear visually discordant in the streetscene and respect the existing built character of the surrounding area.

In any event, the high level of development on both sides of High Road results in the site appearing to have characteristics of an 'infill' development, albeit, outside and immediately adjacent to the defined settlement limits of Weston.

There are a small number of allotment buildings sited approximately 110 metres north from the rear boundary within the ownership of the applicant Weston Consolidated Charity. It is not considered that this allotment site will be impacted materially by the development. This is due to the separation distance that could be afforded to the dwellings and the retention of the dedicated grassed access track to the site maintaining access.

It is considered that development of this site constitutes appropriate development and subject to an appropriate design being brought forward at the reserved matters stage, would accord with Policies 2 and 3 of the South East Lincolnshire Local Plan. S

In its current outline form, with the assessment to the Reserved Matters being reserved for later approval, the development of two dwellings could be carried out without an unacceptable material adverse impact to the character or appearance of the area to the extent that would justify a recommendation for proposal.

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.

It is noted that the proposal would result in the development of two residential properties within a site that is defined as open countryside in respect of Policy 1 of the South East Lincolnshire Local Plan. Notwithstanding this and the principle of development as discussed above, with regard to the impact upon the residential amenities of neighbouring occupiers, the proposal is not considered to give rise to an unacceptable impact, subject to appropriate design at Reserved Matters stage.

As outlined above, the application form illustrates that the proposal is for two 3 bedroom dwellings, with the indicative layout showing how this could be achieved on site. The scale of the dwellings, along with the exact siting and appearance etc is to be considered at a later Reserved Matters stage; however, it is known that there would be a need to raise finished floor levels 500mm above ground level to address potential flood risk.

As such, it is considered that given the relationship to neighbouring properties the proposal of two further dwellings could be achieved without giving rise to unacceptable impact upon residential amenities; however, careful consideration will be required in regard to boundary treatments and potential overlooking and overshadowing to the almshouses to the west and 189 High Road to the east. The final design of the dwellings should seek to minimise side elevation fenestration, and be appropriately sited to minimise overshadowing, as well as allow adequate amenity space to the front and rear of the site.

It is considered that the proposal of two dwellings can be developed on site without causing 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, subject to the appropriate design at Reserved Matters stage. As such, the proposal, in its outline form, is acceptable and in accordance with Policies 2 and 3 of the Local Plan and Section 12 of The National Planning policy Framework in this regard.

Parking / Highway Safety

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".

Within this context, development should give priority first to pedestrian and cycle movements, facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility in relation to all modes of transport, safe, secure and attractive places, allow for efficient delivery and access for emergency services, and be designed to enable and encourage ultra-low emission vehicles in safe, accessible and convenient locations.

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.

This is an outline application with some matters reserved. The sole matter for determination is the location and design of the accesses to the two plots. Lincolnshire County Council Highways Officer has no objections to the submitted layout and requests standard access and utility informatives. The application form states that the proposal is for two 3 bedroom dwellings, and there is adequate space on site to accommodate a minimum of two off road parking spaces. The proposal is therefore considered to accord with Appendix 6 of the SELLP.

The proposal is 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.

Flooding Considerations / Drainage

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 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 Zone 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.

The site is in Environment Agency Flood Zone 3, and in a "Low Hazard" / "Danger for Some" hazard area, with a maximum predicted flood depth of 0.5 metres on the 2115 South Holland Strategic Flood Risk Mapping. However, the indicative plan shows the dwellings being located in an area with a maximum predicted flood depth of 0.25 metres. Surface water is to be addressed via soakaways, with foul water addressed by mains sewer.

The submitted Flood Risk Assessment proposes finished floor levels of 500mm, with a further 300mm of flood resilient construction. This matter will be secured by condition, along with a levels condition, and a condition requesting further details of the proposed soakaway.

Section 106 Agreement matters from H22-0733-19

A Section 106 Agreement was agreed on the 3rd of February 2021 between South Holland District Council, The Official Custodian for Charities on behalf of the Trustees of the Weston Consolidated Charity and The Trustees of the Western Consolidated Charity.

The Trust covenants with the Council are as follows:

- "1. Not to Occupy or permit the Occupation of the Market Dwellings until the construction of the Almshouses have been certified Practically Complete.
2. To provide two (2) Almshouses for the lifetime of the Development.
3. The Almshouses shall be indistinguishable from the Market Dwellings.
4. The Almshouses must be constructed to a standard agreed in writing with the Council (acting reasonably) the approval of the Council to the standards not to be unreasonably withheld or delayed."

This Section 106 agreement was put in place to ensure that the almshouses were in keeping with any market housing, as well as the existing single storey dwellings to the east along the north of High Road. The grant of any subsequent permission, such as that recommended in this case, does not neglect the need for the obligations of this Section 106 to be fulfilled; given that the development of the Almshouses have been carried out, completed and occupied under the permission to which the Section 106 pertains.

Any breach of the agreed Section 106 agreement of H22-0733-19, approved 09 February 2021, may, and most probably would, be subject to enforcement action and as such, the requirements of this legal obligation must be carefully understood and complied with.

An informative will be added to the decision notice to make the applicant aware of this situation.

Outstanding matters from representation

Archaeology - The Historic Places Team of Lincolnshire County Council has stated: *"The proposed development is situated away from the historic centre of Weston, but in an area that has previously produced evidence for Saxon settlement and other activity, as well as earlier remains from the Roman period. These were revealed during evaluation ahead of the construction of the Weston bypass, and in evaluation trenching associated on a proposed housing development to the east, on the north side of High Road."*

"Geophysical survey was conducted in 2022 in connection with a previous planning application

covered most of this Site. The geophysical survey did identify potential archaeological features, perhaps enclosures and/or salt making, just to the north of this Site but with the potential to extend into this area. In general interpretation of the results was made difficult by the geological conditions. A trial trench evaluation identified a ditch containing medieval pottery just to the east of these potential features."

"The Site, therefore, has the potential to contain archaeological remains and further information is required in order to make an informed decision on the application. NPPF 2023, para. 194 states: 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'"

"It is recommended that a trial trench evaluation of the Site is carried out prior to determination and the results submitted along with the application. A decision on the need for/nature of mitigation can then be made. This office will be happy to offer further advice on the requirements for this work."

It is considered that this matter can be addressed by a pre-commencement condition.

PLANNING BALANCE

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

The proposal is at conflict with Policy 1 of the South East Lincolnshire Local Plan, given its Countryside location. The proposal does not demonstrate that the development, comprising two residential dwellings that are market houses, are required 'necessary' for such a rural or countryside location. Furthermore, the proposal does not demonstrate that the development would provide benefits in respect of economic, community or environmental benefits that meet the sustainable needs of the area.

However, when viewed on balance, the application site has an extant planning permission through outline approval H22-0733-19, which remains extant until 09th February 2024. This is a material consideration to the application which is considered to hold considerable weight and establishes the principle of residential development on site. It is also worth noting that this previous approval was subject to the Section 106 as previously referred to within this report and was approved given the contribution of the almshouses predominantly.

Therefore, when also equating the recommendation of a one year permission given the justification and weight attributed to the extant permission and the countryside location of the application site, it is considered that the planning balance is in favour of the proposal.

The development hereby proposed can be achieved without detriment or material harm to the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the remainder of the South East Lincolnshire Local Plan when viewed as a whole and the provisions of the National Planning Policy Framework (December 2023) when viewed as a whole.

In conclusion, in light of the above, the planning balance is in favour of the development.

CONCLUSION

It is considered that while the proposal does not accord with Policy 1 of the South East Lincolnshire Local Plan, the principle of development has been established by the extant permission that remains on site through the grant of the previous Outline Application. In regard to matters relating to the character and appearance of the area, impact upon residential amenities and highway safety matters, this application is considered to accord with Policies 2, 3, 4, 10, 28, 36 and Appendix 6 of the South East Lincolnshire Local Plan.

RECOMMENDATION

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.

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.