

# Development Management Delegated Decision Report

B/21/0245



SUMMARY OF APPLICATION			
<b>Application Reference</b>	B/21/0245		
<b>Application Type</b>	Outline Planning Permission		
<b>Proposal</b>	Outline application including access with all other matters (Appearance, Landscaping, Layout and Scale) reserved for later approval for the erection of 2no. dwellings		
<b>Location</b>	The Old Horseshoes, Sheepgate, Leverton, Boston PE22 0AR		
<b>Applicant</b>	Mr & Mrs Fravigar		
<b>Agent</b>	Mr Carl Forman, For-Ward Planning Consultancy Ltd		
<b>Received Date:</b>	21-May-2021	<b>Consultation Expiry Date:</b>	21-Jul-2021
<b>Valid Date:</b>	10-Jun-2021	<b>Statutory Expiry Date:</b>	<b>05-Aug-2021</b>
<b>Date of Site Visit:</b>	30-Jun-2021	<b>Extension of Time Date:</b>	---
<b>Objections received?</b>	Yes		
<b>5 day notification record:</b>			
<b>Councillors notified</b>	<b>Date</b>	<b>Response received – date</b>	<b>Ok to continue</b>
Cllr P Bedford	28/07/21	In agreement with the recommendation – 28/07/21	Ok
Cllr J Welbourn	28/07/21	Called to say they are in agreement with the recommendation – 28/07/21	Ok
<b>Recommendation</b>	REFUSE		
<b>Report by:</b>	Grant Fixter		
<b>Date:</b>	28/07/2021		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The application site comprises a roughly rectangular parcel of grassland located off Sheepgate, Leverton, with the South East Lincolnshire Local Plan showing the site to be within the countryside. The site is essentially bound by a mixture of mature planting.

In regard to the surroundings, there is agricultural land to the north, the Grade II Listed War Memorial to the west beyond which is the non-designated heritage asset 'Old Horseshoes' dwelling, agricultural land to the south, and a dwelling and café to the west.



The historic elements of the Travellers Rest to the west are also deemed to be non-designated heritage assets. The wider character of the area is rural in nature.

### **DETAILS OF PROPOSAL:**

This proposal seeks outline planning permission including access with all other matters reserved (appearance, layout, scale and landscaping) for later approval for the erection of two residential dwellings.

Whilst layout is a matter reserved for later approval, an indicative layout has been submitted which shows how the site could be developed for 2 dwellings.

Access is not a matter reserved for later approval and a singular access is proposed off Sheepgate which then branches off internally to serve each of the dwellings. A number of trees would also need felling which is a material consideration for this proposal.

Full details of the proposal are outlined on the following plans:

- 422-21-01 Site Location Plan and Indicative Proposed Block Plan.

### **RELEVANT HISTORY:**

There is no relevant planning history.

### **RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:**

#### **South East Lincolnshire Local Plan (2011-2036)**

The following policies contained within the South East Lincolnshire Local Plan (2011-2036) (i.e. SELLP) are relevant to this application:

- Policy 1 – Spatial Strategy;
- Policy 2 – Development Management;
- Policy 3 – Design of New Development;
- Policy 4 – Approach to Flood Risk;
- Policy 5 – Meeting Physical Infrastructure and Service Needs;
- Policy 10 – Meeting Assessed Housing Needs;
- Policy 11 – Distribution of New Housing;
- Policy 17 – Providing a Mix of Housing;
- Policy 28 – The Natural Environment;
- Policy 29 – The Historic Environment;
- Policy 30 – Pollution;
- Policy 31 – Climate Change and Renewable and Low Carbon Energy;
- Policy 36 – Vehicle and Cycle Parking.

### **OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:**

#### **National Planning Policy Framework (2021)**

At the heart of the 2021 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 2: Achieving sustainable development;
- Section 4: Decision-making;
- Section 5: Delivering a sufficient supply of homes;
- Section 11: Making effective use of land;
- Section 12: Achieving well-designed places;
- Section 14: Meeting the challenge of climate change, flooding and coastal change;
- Section 15: Conserving and enhancing the natural environment;
- Section 16: Conserving and enhancing the historic environment.

### **CONSULTATION RESPONSES:**

#### Witham Fourth IDB

Have no objections.

#### Leverton Parish Council

Object to the scheme on the following grounds in regards to Policy 1 of the SELLP:

- *“The proposed application is not a service centre for the village of Leverton*
- *The proposed application does not sustain existing facilities and*
- *The application does not help meet the service needs of other local communities”*

#### Lincolnshire County Council

Have no objections.

#### Environmental Health

Have no objections and requested conditions for electric vehicle charging points and unforeseen contamination.

#### Historic Conservation Advisor

Have no objections and made the following comments:

*“The site in question is located within Leverton Village, and immediately adjacent to the grade II listed Leverton War Memorial. It should also be considered that two non – designated heritage assets are neighbouring the site, including the Old Horseshoes and the historic elements of the Travellers Rest building. As such any development needs to be sensitive to the special character of the listed heritage asset and the neighbouring non – designated heritage assets.*

*The Design, Impact and Heritage Statement exhibit’s a good understanding of the site, and the listed heritage asset that is adjacent to the site. A belt of trees surrounds the listed memorial and largely screen its presence. The indicative layout plan demonstrates how the two proposed dwellings could be positioned on the site, with potentially little to no impact on the setting of the listed heritage asset. As it stands, we can support the principle*

*of development at this time, however when submitting planning permission, the applicant should look at appropriate materials, scale and design. This will ensure that the development does not negatively impact the setting of, both surrounding designated and non-designated heritage assets.*

*Overall, the proposal for development on the site can be supported at this stage as it does not adversely impact the designated and non-designated heritage assets that surround the site.”*

### **THIRD PARTY REPRESENTATIONS RECEIVED:**

No third party representations have been received.

### **EVALUATION:**

The key considerations in respect of this proposal are:

- Principle of development;
- Impact on the character and appearance of the area;
- Impact on residential amenity;
- Flood risk;
- Impact on the natural environment;
- Impact on the historic environment;
- Highway safety and parking.

#### **Principle of development**

Policy 1 of the SELLP sets out the settlement hierarchy, stating development will be permitted within the settlement boundaries of the respective settlements providing the proposal supports the designated role of the settlement in which it is to be executed.

Applications in the countryside (outside of settlement boundaries) will be approved provided it is necessary to its location and/ or can be demonstrated that it meets sustainable development needs of the area.

Paragraph 8 of the NPPF relates to sustainable development states what the three overarching objectives in achieving sustainable development are:

*“a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

*c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural*

*resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

The NPPF sets out when sustainable housing development in rural areas will be supported and albeit the NPPF does not refer to settlement boundaries, it does seek to retain and recognise the character and appearance of the countryside where appropriate.

Paragraphs 78-79 of the NPPF state:

*“78. In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.*

*79. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”*

Paragraph 80 of the NPPF considers isolated homes in the countryside. Whilst the site is located well outside of the settlement boundary and the built up area, there is a residential dwelling to the east and west. Based on the ‘*Braintree District Council v Secretary of State for Communities and Local Government, Greyread Limited & Granville Developments Limited [2017] EWHC 2743 (Admin)*’ which is a commonly known case regarding the term ‘isolated homes’, the site is not deemed isolated. Paragraph 80, therefore, does not apply.

Paragraph 12 of the NPPF also states:

*“... Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”*

The application site is located a considerable distance outside the settlement boundary and as such, is not an area where new housing is normally approved unless such a proposal meets criteria outlined in local and national policy.

In accordance with paragraph 12 of the NPPF, the Local Planning Authority has an up-to-date development plan and, as such, there is no need to make decisions departing from the policies contained within the Local Plan.

As per Policy 1 of the SELLP, the first consideration is whether such a proposal is necessary to its location. The site is outside the settlement boundary and there is no justification as to why residential development is necessary to this site. From the submission before the officer, there is no consideration as to whether there are any more suitable sites for residential development either within or immediately to the settlement boundary.

Furthermore, it is also worth noting as of the 31<sup>st</sup> March 2020, the Council can demonstrate a 5.2 year housing land supply, therefore, the policies can be given full weight when considering the proposal.

It is, therefore, considered the proposal is not necessary to its location and fails to comply with part 1 of Policy 1(d).

Turning to part 2 of Policy 1(d), the next consideration is whether it has been demonstrated the proposal meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

In regards to community benefits, there are none as the benefits of the proposal will be limited to the applicants and no further details on community benefits have been provided. The economic benefits would be extremely limited, as they would be restricted to the construction works and as such, would also be extremely short term in nature. Finally, there are no environmental benefits, especially with the need to fell trees to facilitate the proposal.

The proposal, therefore, does not comply with the second part of Policy 1(d). Taking this into account, the concerns regarding impacts on the character of the area and the fact the proposal does not comply with the first part of Policy 1(d), the principle of development is not deemed acceptable.

#### Impact on the character and appearance of the area

Policy 2 of the SELLP states that proposals requiring planning permission will be permitted provided that sustainable development considerations are met. These include size, scale, layout, density and impact on the amenity, trees, character and appearance of the area as well as the quality of its design and orientation.

Policy 3 of the SELLP states all development must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

Paragraph 134 of the NPPF states development that is not well designed should be refused, yet significant weight should be given to:

*“a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*

*b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*

This section of the report will firstly focus on the land itself and the potential implications any development would have on the character of the area, then turning to specifics within the proposed development.

The site is well outside of the settlement boundary and at present, the land is vacant and is similar to that commonly seen in the countryside, where the pattern respects between development, vacant land and then further development. Albeit each application is assessed separately and on its own merits, such parcels of land are considered important to preserve the character of the countryside and area. Should all these parcels of land be developed, there would be continued

erosion of the countryside and in turn would result in a linear forms of development that stretches the built form into the openness of the countryside.

When travelling outside the built up settlement area of Leverton and outside the settlement boundary, there are a number of parcels of land sited between development which help retain the countryside appearance and nature of the area. Sites such as this, therefore, are common along the A52 when travelling north of the settlement boundary, along Sheepgate to the east, Ings Lane to the west and both Hampton Lane and Southfields to the north. Any development on such parcels of land would lead to a continued erosion of the countryside. It is deemed this proposal, therefore, would lead to substantial harm on the character of the area through the erosion of the countryside.

Given the nature of the site, distance between surrounding development and the scale of the proposed development, the proposal is not deemed to be 'infill'.

In order to facilitate the access, at least 2 or 3 trees will need to be fell. As access is a matter to be considered and is not a reserved matter, this is fact and not stipulation. The row of mature trees along the frontage of the plot help contribute to the character of the area, and felling these trees will materially change the appearance of the area in a negative manner.

Furthermore, a number of mature trees along the western boundary of the site, in addition to some within the northern/ middle section of the site will also need to be fell to site the two dwellings. Again, such felling of mature trees will remove an element which has positively contributed to the character of the area for some time.

Such changes will, therefore, detract from the character of the area and street scene.

Turning to the dwellings themselves, as the application is in outline form with a number of matters reserved, no details have been submitted on the appearance/ design of the dwellings. An indicative site plan, however, has been submitted which outlines how the land can be developed for two dwellings.

From review of the indicative site plan, the plots would be accessed via Sheepgate, with private amenity space to the rear of the plots. The Old Horseshoes to the east benefits from a large spacious plot with ample private amenity space. When compared to this application, the proposed development would lead to two dwellings with much smaller private amenity spaces. This is, therefore, at odds with surrounding development.

Furthermore, given the countryside location of the site, from review of the proposed site plan it is also considered 2 dwellings would be an over development of the site and would likely lead to a cramped development appearance, further detracting from the character of the area.

The proposal, therefore, is contrary to policies 2 & 3 of the SELLP and the principles of good design and sustainable development advocated by the NPPF.

#### Impact on residential amenity

SELLP Policy 2, 3 and 30 advocate that a proposed development should consider if there is an impact on the amenity of the site and neighbouring sites as well as the impact upon neighbouring land uses in terms of noise, odour, disturbance or visual intrusion.

From the submitted site plan, albeit the scheme is in outline form, it is deemed that two dwellings could be developed on site where there would be no loss of privacy or outlook, in addition to the proposal not leading to any overshadowing.

The proposal is, therefore, complies with policies 2, 3 and 30 of the SELLP in respect of the effect on amenity.

#### Flood risk

Policy 4 of the SELLP states a proposed development within an area of flood risk (Flood Zones 2 and 3) will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding, that it is essential infrastructure in FZ3a & FZ3b, it is highly vulnerable development in FZ2 or is more vulnerable development in FZ3 providing wider sustainability benefits to the community that outweigh flood risk. Where supported by a site specific flood specific risk assessment a criteria will need to be adhered to.

The application site is within Flood Zone 3 and a Flood Risk Assessment forms part of this submission which outlines a number of mitigation measures that should be included in the design of the proposal.

It should be noted that the mitigation outlined in the Flood Risk Assessment recommends the finished floor level should be raised by a minimum of 500mm.

The EA Flood Hazard 200 Year Map shows the site to be predominantly Danger for Most. The EA Flood Depth 200 Year Maps shows the majority of the site to have depths of 0.5-1m, however, the majority of the eastern extent of the site shows depths of 1-1.6m. The EA's standing advice requires such developments to have a raised finished floor level of at least 1m above existing ground level.

It is also worth adding that any such raising would further exacerbate the impacts on the character of the area.

As such, there is insufficient information to show the proposal has complied with the requirements of SELLP policy 4. Furthermore, the proposal is not of a flood resilient construction.

The proposal, therefore, is deemed not safe from flooding and it is unclear whether it would lead to an increase in flooding elsewhere.

#### Impact on the natural environment;

Policy 28 of the SELLP requires development proposals to protect, enhance or manage natural assets. All proposals are required to provide an overall net gain in biodiversity.

It is both a national and local requirement for new development proposals to achieve a net gain in biodiversity levels. From review of the submission, no such details have been submitted.

#### Impact on the historic environment;

Policy 29 of the SELLP relates to the historic environment. Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building.



Any proposals affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should:

- “1. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;*
- 2. Retain architectural details that contribute to the character and appearance of the area;*
- 3. Where relevant and practical, remove features which are incompatible with the Conservation Area;*
- 4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;*
- 5. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape;*
- 6. Aim to protect trees, or where losses are proposed, demonstrate how such losses are appropriately mitigated against.”*

Policy 30 of the SELLP will not be permitted where proposals will have adverse impacts upon aspects such as the amenity of the area and the historic environment.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires development which affects a listed building or its setting to be appropriately assessed by the LPA and ensure its historic interests and setting are preserved. It is considered that there is sufficient distance between the site and relevant listed buildings/structures that there would be no harm arising and thus this matter is given no further consideration.

The application site is immediately adjacent to a Grade II Listed War Memorial, in addition to the non-designate heritage assets 'The Old Horseshoes' and parts of the Traveller's Rest building.

Upon review of the scheme, the Historic Conservation Advisor concluded the principle of development on site could be acceptable in terms of impacts on the heritage assets, however, this only relates to the principle and not potential details that would be secured through reserved matters.

It is therefore considered the proposed development has the potential to not cause harm to the identified assets within the vicinity of the site and as such complies with policies 2, 3, 29 and 30 of the SELLP in respect of impact on the historic environment.

#### Highway safety and parking.

Policy 36: Appendix 6 of the SELLP relates to parking standards. It requires 2 spaces for dwellings with up to 3 bedrooms and 3 spaces for dwellings with 4 or more bedrooms. It also requires 1 cycle space within each residential plot.

The Local Highway Authority do not object to the scheme, appropriate parking provision can be provided and vehicles can enter and leave the site in a forward gear. It is not considered the traffic that may be generated from two dwellings will harm highway safety.

The proposal is, therefore, acceptable on highway safety and parking grounds.

#### Planning balance

From the above, it has been deemed the proposal would be acceptable on amenity and parking/highway safety grounds, in addition to being acceptable in principle on historic environment grounds. All of which weigh in favour of the proposal.

Turning to the principle of development, the proposal is within the countryside and, therefore, as per policy 1 needs to be necessary to its location and meet the sustainable needs of the area in terms of economic, community and environmental benefits. No information has been submitted to justify the proposal in respect of the requirements of policy 1. From review of the submission, it is deemed the principle of development is not acceptable as it is not necessary to its location and does not meet the sustainable needs of the area. This significantly weighs against the proposal.

Turning to the character of the area, the development of this land would consolidate the existing built up frontage of this part of the countryside, will substantially alter the linear pattern of development and will erode the character of the area. The proposed site plan also appears to show an over development of the site which in turn can lead to a cramped form of development. Finally, the removal of mature trees will further exacerbate the impact on the character of the area.

Finally, insufficient flood risk mitigation has been proposed which means the proposal will not be safe from flooding.

The proposal, therefore, does not comply with local and national policy and does not meet the sustainable development considerations.

It is also worth noting as of the 31<sup>st</sup> March 2020, the Council could demonstrate a 5.2 year housing land supply, therefore, the policies can be given full weight when considering the proposal.

## **CONCLUSION:**

This proposal is not deemed to be infill and does not comply with the requirements of Policy 1 of the SELLP, meaning the principle of development is not acceptable. It has also been demonstrated the proposal would have detrimental impacts on the character and appearance of the area, in addition to the proposed mitigation measures not being sufficient to ensure the proposal is safe from flooding.

The proposal, therefore, does not comply with local and national policy and does not meet the sustainable development considerations.

## **RECOMMENDATION:**

REFUSE

CONDITIONS / REASONS	
Pre-commencement conditions?	Agreed with applicant/agent - Date:
1	The application site falls outside of a settlement boundary and is located within the countryside. There is a significant lack of information submitted to provide a sufficient and sound justification for residential development of two dwellings in this location. The

	development has not been proven to be necessary to its location or meet the sustainable needs of the area. Therefore, the development would lead to the addition of two dwellings in an unsustainable location, contrary to the spatial objectives set out in Policy 1 of the South East Lincolnshire Local Plan (2011-2036). The lack of an essential need being demonstrated also means the proposal is contrary to Sections 2 and 5 of the National Planning Policy Framework (2021).
2	The development would consolidate the residential dwelling to the west and the further dwelling to the east, leading to an increased urban appearance to this rural, countryside location. The resultant effect would substantially erode the character and appearance of the countryside and open rural landscape. The provision of two dwellings on the site would also lead to an over development of the site which would negatively impact the character of the area. The development, therefore, fails to meet the criteria of sustainable development. As such the development would be contrary to Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2011-2036) and Sections 2 and 12 of the National Planning Policy Framework (2021) which seeks to secure a high standard of design that is sympathetic to the character of an area.
3	The application site is located within a flood risk area. Policy 4 of the South East Lincolnshire Local Plan and Section 14 of the National Planning Policy Framework requires development in such areas to demonstrate that they would be acceptable in relation to flood risk. The Flood Risk Assessment fails to suggest appropriate mitigation and as such, fails to demonstrate how the proposal will be safe from flooding through appropriate flood resilient construction. The current finished floor levels would not comply with the Environment Agency's standing advice and as such, would not make the development safe from flooding for its lifetime. The proposed development would not be safe and acceptable on flood risk grounds and, therefore, fails to accord with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036) and Section 14 'Meeting the Challenge of Climate Change, Flooding and Coastal Change' of the National Planning Policy Framework (2021).
	<p>Refused plans:</p> <ul style="list-style-type: none"> <li>422-21-01 Site Location Plan and Indicative Proposed Block Plan.</li> </ul>

<b>INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE</b>	
<u><b>STATEMENT OF PROACTIVE WORKING:</b></u>	
<p>In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.</p>	