

Development Management Delegated Decision Report

B/24/0063



SUMMARY OF APPLICATION			
Application Reference	B/24/0063		
Application Type	Outline Planning Permission		
Proposal	Outline application with all matters reserved for the erection of a single Dwelling (re-submission of B/23/0027)		
Location	Ashcombe House, Low Road, Wyberton, Boston, PE21 7AP		
Applicant	Mr & Mrs J Kruger		
Agent	G R Merchants Ltd		
Received Date:	15-Feb-2024	Consultation / Publicity Expiry Date:	15-Mar-2024
Valid Date:	15-Feb-2024	Statutory Expiry Date:	11-Apr-2024
Date of Site Visit:	02-Apr-2024	Extension of Time Date:	-----
Objections received?	None		
5 day notification record: Not applicable			
	Councillors notified	Date	Response received – date
Recommendation	Refuse		
Report by:	Simon Eldred		
Date:	8 th April 2024		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site measures approximately 0.2 hectares and is a part of the curtilage to an existing 1.5-storey dwelling (Ashcombe House). The site is largely grassed and contains:

- a greenhouse;
- mature trees; and
- the remains of a brick structure.

The site is located within a loose group of dwellings on the southern/eastern side of Low Road, and is roughly equidistant between the southern edge of Boston's built-up area, and



the northern edge of Wyberton Church End's built-up area (each roughly 250m distant). Despite the proximity of the town and village and the presence of the existing dwellings, the area around the application site has a strongly rural character thanks to the spacious curtilages of the dwellings, and the presence of: many mature hedgerows and trees; and surrounding agricultural land.

DETAILS OF PROPOSAL:

Outline planning permission (with all matters reserved) is sought for the erection of one dwelling. The application form indicates that the dwelling will be a self-build/custom-build house with 4 or more bedrooms, and the application is accompanied by:

- drawings showing:
 - an indicative layout (4233-23 02: Site Plan & Location Plan) which shows: the provision of a new vehicular access off Low Road; the erection of a new dwelling approximately 4.5m to the west of Ashcombe House; the retention of an existing hedge and fence to the west of Ashcombe House; and proposals for new landscape planting and boundary treatments;
 - indicative drawings (4233-01: Floor Plans - Indicative & Front Elevation – Indicative) showing a 1.5-storey dwelling with: 4 bedrooms; an integral garage; a finished ground-floor 1m above surrounding ground-levels; and a flat roof providing a temporary flood refuge;
- a Planning, Design & Access Statement (reference 4233-23); and
- a Flood Risk Assessment (reference RLC/1105/FRA01).

The application is a re-submission of a proposal previously considered as B/23/0027 (see below).

RELEVANT HISTORY:

B/23/0027 – an application for outline planning permission was refused on 27th March 2023 for the construction of a dwelling. Two reasons for refusal were cited, namely:

- *“The application site lies in the countryside, outside of any defined settlements listed in Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan 2019. The site is remote and physically and functionally separate from any settlement. It has not been demonstrated that the proposal is necessary to the location or that the proposal would meet the sustainable development needs of the area and as such the proposal is contrary to Policy 1. Future occupiers of this proposed dwelling would be highly reliant on the use of a motor vehicle to carry out essential tasks. As a result the proposal is contrary to the provisions of Policy 1, 2 and 3 of the South East Lincolnshire Local Plan 2019 and the aims of sustainable development in the National Planning Policy Framework 2021.”*
- *“The application site is located within Flood Zone 3 of the Environment Agency Maps and the proposal is within the ‘more vulnerable’ flood risk vulnerability category. The application is not accompanied by a successfully completed Sequential Test, and therefore fails to demonstrate a necessity for the development in this location or that sites at lower risk of flooding are unavailable. As such the proposal is contrary to Policy 4 of the South East Lincolnshire Local Plan 2019 and Section 14 of the National Planning Policy Framework 2021.”*

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The **South East Lincolnshire Local Plan 2019** shows the application site as being within the Countryside, approximately 220m from the closest Settlement Boundary (Wyberton Church End). The following policies are considered to be 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 10 – Meeting Assessed Housing Requirements;
- Policy 28 – The Natural Environment;
- Policy 30 – Pollution;
- Policy 31 – Climate Change and Renewable and Low Carbon Energy; and
- Policy 36 – Vehicle and Cycle Parking.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

At the heart of the **National Planning Policy Framework 2023** is a presumption in favour of sustainable development. The following sections are considered to be relevant to this scheme:

- Section 1 – Introduction;
- Section 2 - Achieving sustainable development;
- Section 4 - Decision-making;
- Section 5 - Delivering a sufficient supply of homes;
- Section 9 - Promoting sustainable transport;
- Section 11 - Making effective use of land;
- Section 12 - Achieving well-designed and beautiful places;
- Section 14 - Meeting the challenge of climate change, flooding and coastal change; and
- Section 15 - Conserving and enhancing the natural environment.

CONSULTATION RESPONSES:

Boston Borough Council's **Environmental Health** department indicates that it has no objections.

The **Environment Agency:**

- indicates that the proposed development will *“only meet the National Planning Policy Framework’s requirements in relation to flood risk if the following planning condition is included - The development shall be carried out in accordance with the submitted flood risk assessment (FRA) dated May 2023, ref: RLC/1105/FRA01, compiled by Roy Lobley Consulting and the following mitigation measures it details:*
 - *Finished floor levels to be set no lower than 3.4m above Ordnance Datum (AOD)*
 - *The development to have at least two storeys*
 - *Demountable defences/flood doors to be provided to a height of 600mm to cover all ground floor doors*

- *Flood resilience and resistance measures to be incorporated into the proposed development as stated.*

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development."

- suggests that future occupants should sign up to Floodline Warnings Direct.

Lincolnshire County Council (the Local Highway and Lead Local Flood Authority) considers that *"the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk"*. It therefore indicates that *"the principle of development is acceptable. As this is an outline application with all matters reserved, access and layout have not been considered. Please make the applicant aware of the requirements for access, parking, visibility, turning and layout as detailed within the Lincolnshire County Council Design Approach, in order to support any further application. Additionally, sufficient information will be required to demonstrate that the use of a suitable drainage system for the management of surface water run-off is appropriate for this site to mitigate concerns with flooding of the property and surrounding land."*

Wyberton Parish Council indicates that it has no objections.

The **Black Sluice Internal Drainage Board** indicates:

- *"Rainfall Runoff" - It is understood that the applicant intends to discharge surface water via soakaways. If this is the case, then any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that soakaways are suitable for the site should be submitted to the local planning authority for their approval. Should soakaways prove unsuitable, then the applicant should submit details of an alternative scheme to the local planning authority for consideration, and must have received approval for any such scheme, prior to works commencing on site. Discharge to any watercourse within the Black Sluice IDB district will require prior written consent from the Board (a relaxation of IDB Byelaw No.3).*
- *Disposal of Foul or Dirty Water - It is understood that the disposal of foul water from the development is yet to be decided. The discharge of foul or dirty water direct into any watercourse, whether open or piped, is strictly prohibited. If the applicant intends to dispose of foul water to a septic tank. If this is the case, then any overflow discharge should be to a soakaway only, which should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that soakaways are suitable should be submitted to the local planning authority for their approval. If the applicant intends discharge foul water via a package or bio-treatment unit, then the applicant has two options:*
 1. *If the final discharge is to a watercourse, then the Boards prior written consent is required (a relaxation of Board Byelaw No. 3). The consent of the Environment Agency may also be required for any discharges above 5 cubic metres per day.*

2. *If the discharge is to soakaways, then any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that soakaways are suitable should be submitted to the local planning authority for their approval.*
- *Works within watercourses within the Black Sluice IDB District - There are believed to be open watercourses bounding the site on the western & southern boundaries. These watercourses are NOT maintained by the Board. If the applicant or their successors intend to pipe or fill any watercourse, now or at any time in the future, then under Section 23 of the Land Drainage Act 1991 the prior written consent of the Board is required for any proposed permanent or temporary works or structures, including infilling, diversion, or replacement of any existing structures, within any watercourse. This is mandatory. The applicant is reminded that within common law, the ownership and maintenance responsibility for any watercourse, and any structures within such as piped access culverts, lies with the adjacent landowners, regardless of whether the watercourse is maintained by the Board. Where a section of watercourse lies wholly within a land or property boundary, or lies alongside a highway, then the land or property owner is considered wholly responsible for the ownership and maintenance of that section of watercourse and any structures within.*
 - *Site Ground Levels - The existing ground level of the site should not be raised above the level of any surrounding land unless measures are taken, to the satisfaction of the local planning authority, to prevent possible flooding or waterlogging of any neighbouring land or property."*

THIRD PARTY REPRESENTATIONS RECEIVED:

The occupant of a neighbouring dwelling (The Cottage) indicates:

- *"The plans state that the existing fence that runs along the boundary will stay, this fence however is not private and will not keep the noise of vehicles down to a minimum, therefore, I believe a solid six foot high fence would be appropriate.*
- *The plan also states that the existing trees will stay, this does not include trees that sit on my property, The Cottage is being monitored every 4 weeks because it has been determined that there is subsidence, this has been caused by very large mature trees (ash and poplar) where the roots are penetrating the foundations, these trees are currently being taken down. There are however some trees that are not causing a problem, but my concern is that just because they don't have a negative impact on The Cottage they may, in the future, have a negative impact on the proposed new dwelling. Therefore, I would feel happy if a report was obtained on the trees to avoid any issues arising in the future."*

EVALUATION:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of an application must be made in accordance with the Plan unless material considerations indicate otherwise. The key considerations in regard to this application are considered to be:

- principle of development;
- impact on the character and appearance of the area;

- impact on neighbours' amenity;
- relationship with trees;
- highway safety;
- parking provision;
- air quality;
- water use issues;
- biodiversity; and
- flood risk.

Principle

Firstly, it is important to note that:

- Boston Borough Council's most recent 'Assessment of 5-year housing land supply' (dated 31st March 2023) identifies that 5.5 years' supply of deliverable housing sites is available. The Housing Delivery Test 2022 Measurement for Boston Borough identifies that the new housing delivered over the previous 3 years amounted to 145% of that required. Thus, in accordance with the provisions of Paragraph 11 of the NPPF, the Local Plan's policies can be given full weight in considering this proposal.
- although the application site is located in the countryside, it is situated within an existing loose group of dwellings. Consequently, it is not considered that the proposal will create an 'isolated home in the countryside' as referred to in paragraph 84 of the NPPF.

Policy 10 of the Local Plan seeks the delivery of an additional 7,744 new dwellings within Boston Borough between 2011 and 2036. The Planning, Design and Access Statement (PDAS) which accompanies the application rightly argues that smaller sites, such as this, are generally quicker to be brought forward for development, and it is accepted that the proposal will make a modest contribution to Policy 10's aim.

Policy 1 of the Local Plan identifies the Borough's countryside as an area "*of development restraint*", where development will be permitted that 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*". Essentially, the Policy sets out two separate tests, but requires a proposal to satisfy only one of the tests.

Test 1 - an assessment is required of whether the proposal is 'necessary to its location'. The application site is in a countryside location, located approximately 250m from the edge of Boston's built-up area. The Local Plan provides sufficient opportunities for new residential development on Housing Allocations and via windfall developments within Settlement Boundaries in order to meet the Borough's housing requirements until 2036. The application does not set out any particular justification as to why residential development is necessary on this site and, on balance, it is considered that the first test of Policy 1(d) is not passed.

Test 2 – an assessment is required of whether the proposal meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Looking at these benefits in turn:

- it is accepted that the proposal would make a small contribution to the local **economy** through the construction of the property and through additional residents supporting local facilities/services. However, such benefits could be realised equally well within a town or village;
- it is accepted that the proposal would provide some **community** benefits by creating a home for a family. However, such benefits could be realised equally well within a town or village, where the occupants would have better access to services and facilities; and
- paragraph 3.9 of the Planning, Design and Access Statement (PDAS) which accompanies the application indicates that the proposal is intended to incorporate several positive **environmental** features (e.g. mechanical heat recovery system, solar PV tiles, air source heat pump, electric vehicle charging point, rainwater harvesting/greywater recycling, nesting/roosting boxes, and native-species landscape planting). However:
 - the Local Plan's Policies (2, 3, 28, 30, 31 and 36) require the provision of some of these benefits (the provision of an electric vehicle recharging point and measures to provide an overall net gain in biodiversity) as part of any new residential development. [Nonetheless, it is considered that the benefits listed above go beyond the Local Plan's 'standard' requirements and, if planning permission is granted, conditions should be applied to require their implementation and (where appropriate) maintenance]; and
 - these 'additional' benefits need to be weighed against the negative impacts of the proposal creating a new dwelling in a location where the occupants of the proposed dwelling are likely to be heavily reliant on the private car to access key services and facilities (i.e. an unsustainable location). Although the site is located relatively close to the edge of the Borough's most sustainable settlement (Boston), Low Road lacks footways or streetlights for a distance of more than 400m from the application site, and journeys into Boston are unlikely to be made on foot or (after dark) by bicycle.

In all, it is considered that any economic, community or environmental benefits that will arise from the proposal will be outweighed by harmful effects that will stem from the site being in an unsustainable location.

The Planning, Design and Access Statement (PDAS) which accompanies the application argues that new dwellings have been permitted elsewhere in the Borough on sites whose circumstances are similar to those of the current application site. However, it is considered that either:

- those applications were granted as a consequence of specific, local planning histories that do not pertain for the current application site; or
- the decisions on the above schemes gave too much weight to the specific, on-site environmental benefits being offered, and too little to the fundamental unsustainability of the sites' locations – i.e. the fact that journeys to access essential services and facilities by means other than the private car would be highly unlikely, given the distances involved and the character of local roads.

Notwithstanding the arguments put forward in the PDAS, it is considered that the construction of a new dwelling on the application site would not contribute to the aim of Policy 1 to limit new development in the countryside in order to ensure that a sustainable pattern of development is created. This weighs against the proposal.

Character and appearance of the area

Policy 2 of the Local Plan 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 states that 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.

The application site is located within a small, loose group of dwellings in the countryside, and it is considered that the introduction of a new dwelling will not appear alien. The existing dwellings do not have a unified character – they vary in size, age, design, and materials, and also show significant variation in their plot sizes.

As this is an outline application with all matters reserved, details regarding the appearance, layout and scale of the development are not to be considered as part of this application. That being said, indicative drawings have been submitted (4233-23 02: Site Plan & Location Plan, and 4233-01: Floor Plans- Indicative & Front Elevation – Indicative) showing how the application site could be developed. These drawings show that a dwelling can be accommodated on the application site without creating a development with a cramped appearance, as well as having a similar siting to nearby existing dwellings in respect to distance from the highway edge.

Drawing 4233-23 02: Site Plan & Location Plan shows that:

- a dwelling can be constructed whilst retaining most of the site's existing trees; and
- areas of new planting can be incorporated,

and consequently it is considered that the site (and wider area) could retain a suitably rural character.

Subject to an appropriate reserved matters application, it is considered that the proposal complies with these requirements of Policies 2 and 3 of the Local Plan.

Neighbours' amenity

Policies 2, 3 and 30 of the Local Plan seek to ensure that new development does not significantly impact on neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.

The indicative drawing (4233-23 02: Site Plan & Location Plan) shows that significant separation distances can be preserved between the proposed dwelling and most of the existing dwellings in the area – e.g. approximately 45m to The Cottage (to the south), 45m to the Annexe to Le Chalet, and 55m to Le Chalet itself. As such, it is highly unlikely that the new dwelling will have significant adverse impacts in terms of over-shadowing, loss of light, or harm to outlook. Although the indicative drawings show the new dwelling located within approximately 4.5m of Ashcombe House, it is considered that the application site is sufficiently large to enable greater separation to be created if required.

As the application is outline and all plans are indicative only, details such as fenestration have not yet been decided, and an assessment of impacts in terms of loss of privacy or overlooking cannot currently be made. Nonetheless, it is considered that a scheme could be designed that would have no such severe adverse impacts. A detailed assessment will, of course, be possible at reserved matters stage, and reserved matters will not be approved if there will be an unacceptable loss of privacy or outlook.

The occupant of a neighbouring dwelling expresses concern that the existing fence that runs along the common boundary will do little to mitigate noise disturbance from traffic on the proposed new access, and that a 2m-high close-boarded fence should be provided. It is considered unlikely that the vehicle movements generated by one dwelling will be detrimental to neighbours' amenity but, in any event, such issues can be properly considered at reserved matters stage.

Subject to suitable details being submitted, it is considered that the proposal could meet these requirements of Policies 2, 3 and 30.

Trees

The application site, and neighbouring land contain many mature hedgerows and trees, and the occupant of a neighbouring dwelling expresses concern that existing trees may have a negative impact on the proposed new dwelling.

Indicative drawing 4233-23 02: Site Plan & Location Plan shows the locations and approximate crown-spreads of the closest trees, and it is apparent that the application site is sufficiently large to enable adequate separation distances to be maintained between any new dwelling and existing trees to ensure that the trees and dwelling will successfully co-exist.

Subject to suitable details being submitted at reserved matters stage, it is considered that the proposal could be acceptable in terms of these issues.

Highway safety

Policy 2 of the Local Plan identifies vehicular access as a sustainable development consideration.

The Local Highway Authority considers that *“the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network”*, and therefore indicates that *“the principle of development is acceptable. ... Please make the applicant aware of the requirements for access, parking, visibility, turning and layout as detailed within the Lincolnshire County Council Design Approach, in order to support any further application.”*

As this is an outline application with all matters reserved, details relating to vehicular access are not to be considered as part of this application. That being said, an indicative drawing has been submitted (4233-23 02: Site Plan & Location Plan) showing the provision of a new vehicular access off Low Road. This access is located on the inside of a bend where visibility to the right is somewhat constrained, given that Low Road is subject to a 60MPH speed limit. However, it is considered that the additional traffic that would be generated by a new dwelling is unlikely to harm highway safety.

The indicative drawing also shows the provision of turning facilities within the application site, which would ensure that vehicles could enter and leave the site in a forward gear. A condition should be attached to any approval to require such facilities to be: included in the subsequent reserved matters application; implemented; and maintained in perpetuity.

In all, the proposal appears to be acceptable in principle on highway safety grounds – subject to the above condition, and other information that will be submitted at reserved matters stage.

Parking provision

Policy 36 of the Local Plan indicates that all new developments should provide vehicle and cycle parking in accordance with minimum standards set out in Appendix 6.

As this is an outline application with all matters reserved, details relating to parking provision are not to be considered as part of this application. That being said, indicative drawings have been submitted (4233-23 02: Site Plan & Location Plan, and 4233-01: Floor Plans- Indicative & Front Elevation – Indicative) showing the provision of a sizeable integral garage (potentially providing cycle storage) and sufficient space on the driveway for the external parking of several cars. A condition should be attached to any approval to require car and cycle parking arrangements to be: shown in the subsequent reserved matters application; implemented; and maintained in perpetuity.

In all, the proposal appears to be acceptable in principle in vehicle and cycle parking terms – subject to the above condition, and other information that will be submitted at reserved matters stage.

Air quality

Policy 30 of the Local Plan requires development proposals to include suitable measures to mitigate any adverse impact on air quality.

As this is an outline application with all matters reserved, details relating to such matters are not to be considered as part of this application. That being said, an indicative drawing has been submitted (4233-23 02: Site Plan & Location Plan) showing the provision of an electric vehicle charging point.

The proposed development will inevitably increase the use of private vehicles, which could adversely affect air quality, and it is considered that appropriate mitigation measures should be secured by condition to mitigate the impact on the local environment and the wider causes of climate change.

Water use

Policy 3 of the Local Plan requires development proposals to minimise the use of water, and Policy 31 specifically requires residential development to comply with the Building Regulation water efficiency standard of 110 litres per person per day.

As this is an outline application with all matters reserved, details regarding water use are not to be considered as part of this application. However, it is appropriate for a condition to be attached to require the water consumption of the dwelling to not exceed 110 litres per person per day.

Subject to a condition to require the water consumption of the dwelling to not exceed 110 litres per person per day, it is considered that the proposal will satisfactorily minimise water use and will meet these requirements of Policies 3 and 31.

Biodiversity

Policy 3 of the Local Plan requires the incorporation of existing hedgerows and trees into development proposals, and the provision of appropriate new landscaping to enhance biodiversity. Policy 28 requires all development proposals to provide an overall gain in biodiversity. Policy 31 requires all development proposals to incorporate measures which promote and enhance green infrastructure and provide a net gain in biodiversity.

The application site contains: significant numbers of mature and semi-mature trees; a short length of hedgerow; and extensive areas of established grass. As this is an outline application with all matters reserved, details regarding biodiversity, landscaping, etc. are not to be considered as part of this application. That being said, an indicative drawing has been submitted (4233-23 02: Site Plan & Location Plan) which shows how the application site could be developed with the retention of the hedgerow and the great majority of trees, and including two new flower borders, a swift brick, a house-sparrow terrace, a starling nesting box, and a bat brick. It is considered that such measures (supplemented perhaps by the planting of new native trees) would enhance the feeding, nesting and roosting opportunities offered by the site, and would ensure that the proposal will provide an overall gain in biodiversity.

Thus, subject to a condition to require any reserved matters application to include details of acceptable proposed ecological enhancements, it is considered that the proposal could meet these requirements of Policies 3, 28 and 31.

Flood risk

Policy 4 of the Local Plan states that a proposed development within an area at risk of flooding (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 (through passing the sequential test), and appropriate flood mitigation measures have been put in place. Development will also need to demonstrate that surface water from the development can be managed and will not increase the risk of flooding to third parties.

The Environment Agency indicates that the proposed development will meet the National Planning Policy Framework's flood risk requirements subject to the attachment of a condition and an informative. The Internal Drainage Board raises a number of issues concerning surface and foul water disposal. The Lead Local Flood Authority requires any subsequent reserved matters application to include sufficient information to demonstrate that the use of a suitable drainage system for the management of surface water run-off is appropriate for this site to mitigate concerns with flooding of the property and surrounding land.

The application is accompanied by a Flood Risk Assessment (reference RLC/1105/FRA01) which identifies that:

- the application site is located in Flood Zone 3;
- the great majority of application site is potentially exposed to flood depths of 1.6m and above;

- the proposed dwelling will be exposed to acceptable levels of flood risk, provided that:
 - ground-floor levels are set 1m above surrounding ground-levels;
 - specified passive flood proofing measures are installed;
 - specified secondary flood proofing measures are installed;
 - all sleeping accommodation will be on the first-floor; and
 - specified flood resilience measures are installed; and
- the sequential test is passed because *“there are no other sites for a single dwelling in Wyberton that are at a lower Hazard Rating”*.

Whilst the submitted Flood Risk Assessment (FRA) sets out mitigation measures intended to make the proposal safe from flooding in accordance with the Exception Test, it is not accompanied by a successful Sequential Test to demonstrate that sites at lesser risk of flooding are unavailable. The FRA identifies one alternative site within Wyberton Parish (land off Tytton Lane East, and the subject of planning permission B/21/0206 for the erection of one four-bedroom detached house) and argues that this site is not sequentially preferable to the application site. However the two sites are compared below, and it can

SITE	FLOOD ZONE	FLOOD HAZARD	FLOOD DEPTH
The application site	3	Danger For All	Largely 1.6m+
Land off Tytton Lane East	3	Danger For All	1m-1.6m

be seen that the land off Tytton Lane East is, in fact, exposed to lesser flood depths, and is therefore sequentially preferable. In these circumstances, it is considered that the sequential test is not passed.

The Planning, Design and Access Statement (PDAS) which accompanies the application argues that *“the Council does not actively seek sequential tests for all development within flood zone 3, this is exemplified within the recently approved application ref; B/22/0188 (Outline application for 5 Dwellings within Flood zone 3), the planning officer for that scheme concluded the following; ‘The majority of Boston Borough is within Flood zone 3 with any lower areas at risk of flooding within the borough being located within countryside locations. This site, whilst within flood zone 3, is located within a settlement and is considered to be a more sustainable location than open countryside. On this basis, the sequential test has been satisfied ...’ Further to the above, an application within the countryside ref; B/21/0011 (Erection of 4 detached chalet bungalows within Flood zone 3) was also deemed acceptable in flooding terms without a sequential test undertaken. Within this scheme measures related to flood mitigation design ... were considered acceptable ... Overall, since it’s been acknowledged by the council themselves that most of the Borough is within Flood zone 3 and it is not feasible to ask for sequential tests for every development, we don’t consider that the subject scheme requires a sequential test considering that it is within a sustainable location ... just as application; B/22/0188 ...”*

It is considered (whatever decisions may have been made in relation to other sites) that the provisions of Policy 4 of the South East Lincolnshire Local Plan 2019, paragraph 168 of the NPPF, and the relevant paragraphs of the Planning Practice Guidance (PPG) are very clear – development should not be permitted if there are reasonably available sites

appropriate for the proposed development in areas with a lower risk of flooding. In this case, the FRA which accompanies the application identifies a 'reasonably available site' within the same Parish that could accommodate the proposed development with a lower risk of flooding. The arguments put forward in the PDAS to justify an exception to the principle of applying the sequential test are not accepted, and are not considered to meet the requirements of the Local Plan, NPPF, and PPG. This weighs against the proposal.

CONCLUSION:

The above assessment identifies that, subject to details being submitted at reserved matters stage, it is considered that the proposal could be designed in such a way which will:

- protect the character of the area;
- protect neighbours' amenity;
- have an acceptable relationship with existing trees;
- be acceptable in highway safety terms;
- include adequate provision for the parking of motor vehicles and cycles;
- be acceptable in air quality terms;
- be acceptable in water use terms; and
- provide a net gain in biodiversity.

However, it is considered that the proposal does not meet the requirements of Policy 1 of the Local Plan, in that:

- no evidence has been put forward to demonstrate that the proposal is 'necessary to its location'; and
- although the proposal will undoubtedly provide some economic, community and environmental benefits, these benefits will be outweighed by the adverse impacts that will stem from the site's unsustainable location.

Consequently it is considered that the proposal conflicts with the Local Plan's Spatial Strategy.

Furthermore, the application site is located within Flood Zone 3, and the proposal falls within the 'more vulnerable' flood risk category, and the requirements of Policy 4 of the Local Plan and Section 14 of the NPPF require a Sequential Test to demonstrate that no sites at lesser risk of flooding are available. No such Sequential Test has been submitted.

Bearing in mind the above conflicts with fundamental elements of the Local Plan's Policies, it is considered appropriate for planning permission to be refused.

RECOMMENDATION: Refuse

REASONS	
1	The application site lies in the countryside, outside of any defined settlements listed in Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan 2019. The site is remote and physically and functionally separate from any settlement. It has not been demonstrated that the proposal is necessary to the location or that the proposal would meet the sustainable development needs of the area and as such the proposal is contrary

	to Policy 1. Future occupiers of this proposed dwelling would be highly reliant on the use of a motor vehicle to carry out essential tasks. As a result the proposal is contrary to the provisions of Policies 1, 2 and 3 of the South East Lincolnshire Local Plan 2019 and the aims of sustainable development in the National Planning Policy Framework 2023.
2	The application site is located within Flood Zone 3 of the Environment Agency Maps and the proposal is within the 'more vulnerable' flood risk vulnerability category. The application is not accompanied by a successful Sequential Test, and therefore fails to demonstrate a necessity for the development in this location or that sites at lower risk of flooding are unavailable. As such the proposal is contrary to Policy 4 of the South East Lincolnshire Local Plan 2019 and Section 14 of the National Planning Policy Framework 2023.

**INFORMATIVES / NOTES
TO BE INCLUDED ON/WITH DECISION NOTICE**

STATEMENT OF PROACTIVE WORKING:

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2023 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.