

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Lead Development Management Planner (Interim) - BBC & SHDC

To: Planning Committee - 11 March 2026

(Author: Oscar Patman - Planning Officer)

Purpose: To consider Planning Application H02-0511-25

Application Number: H02-0511-25

Date Received: 22 May 2025

Application Type: FULL

Description: Proposed development of 9 Dwellings

Location: Land off Postland Road Crowland

Applicant: Seagate Homes

Agent: Seagate Homes

Ward: Crowland and Deeping

Ward Councillors: Cllr B Alcock
Cllr J R Astill
Cllr A Harrison

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H02-0511-25>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 This application has been referred to Committee by Chairman's Panel, following a request from Councillor Astill.

2.0 PROPOSAL

2.1 This is a Full planning application seeking permission for the development of nine dwellings to the north of Postland Road, Crowland. All nine dwellings would be larger homes, with the proposal comprising seven four-bedroom and two five-bedroom dwellings.

2.2 An upgraded access leads to a south-north road, serving Plots 1, 2, 7, 8 and 9, before dividing to the east (Plots 5 and 6) and west (Plots 3 and 4). Each dwelling would have a private garage (all bar Plots 4 and 5 being detached) and a short driveway.

2.3 Designs are varied throughout the site, although commonalities exist, such as the heavy use of glasswork and homages to more traditional townhouse features. All dwellings would be constructed of stone, with Plots 4, 5 and 6 including black Cedral boarding. Plots 2, 6 and 8 would feature grey Marley Edgemere interlocking concrete slate, with the remaining properties featuring the same product in Old English Dark Red.

2.4 Several amendments have been received, amending the proposed foul and surface water drainage, flood risk assessment, site layout, and design of dwellings, amongst other matters.

3.0 SITE DESCRIPTION

- 3.1 The site is located adjacent to, but outside of, the settlement boundaries of Crowland, as outlined within the South East Lincolnshire Local Plan, 2019.
- 3.2 The site currently comprises disused grassland, with a medium sized pond to its north. The ground level is uneven, although this is generally, marginally below nearby dwelling sites. This is particularly visible along the western boundary where a large earth mound demarcates the site edge. Mature hedges and trees run along the site's entire parameter.
- 3.3 To the east is the former Crowland Garden Centre, now used as a car garage, with this use also spilling to the north of the site. To the south-east are residential dwellings, while to the north-east is allocated site Cro050.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

- 4.2 If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

4.3 South East Lincolnshire Local Plan, March 2019

- 4.4 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 11 - Distribution of New Housing
Policy 17 - Providing a Mix of Housing
Policy 19 - Rural Exception Sites
Policy 28 - The Natural Environment
Policy 29 - The Historic Environment
Policy 33 - Delivering a More Sustainable Transport Network
Policy 36 - Vehicle and Cycle Parking
APPENDIX 6 - Parking Standards

4.5 National Planning Policy Framework (NPPF), December 2024

- 4.6 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 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

4.7 National Guidance

4.8 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 Application Site

- 5.2 No relevant site history

5.3 Adjacent Sites

- 5.4 H02-0759-25 - Full - Development for 80 dwellings with access, landscape, drainage, open space and associated infrastructure - Ongoing.
- 5.5 H02-0696-25 - Full - Change of use of land to Use Class B2 and B8 alongside mixed-use car sales (Sui generis) purposes - Approved 23/10/25.

6.0 REPRESENTATIONS

- 6.1 The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

6.2 Anglian Water

6.3 *Initial Response, dated 05/06/25*

"Anglian Water OBJECTS to the proposed development under Planning Application H02-0511-25 due to the intended connection to the public foul drainage network. This site is located within the catchment of the Crowland Water Recycling Centre (WRC), which currently lacks the capacity to accommodate the additional flows that would be generated by the proposed development. Anglian Water has determined that the site is unsustainable due to the associated environmental risk and the increased discharge rates, which could lead to a deterioration in water quality and an unacceptable risk of breaching environmental legislation at Crowland WRC.

Considering these concerns, we recommend that planning permission be refused on the grounds of insufficient infrastructure capacity and to prevent environmental harm. Anglian Water collaborates with local planning authorities across the region to identify sustainable locations for future development, taking into account infrastructure capacity as part of the development plan processes. We also work closely with our regulators to identify opportunities for future growth investment. At present, no funding has been allocated at this Water Recycling Centre (WRC) for AMP 7 (2020- 2025) or AMP 8 (2025-2030)."

Goes on to outline informative conditions that ought to be added in the event of an approval.

6.4 *Revised comments, received following amendments to dispose of foul water via private means, dated 29/09/25*

"Anglian Water has reviewed Drainage Strategy 12899 - WMS - ZZ - XX - D - C - 39200 - S8 - P5 it is stated that the applicant now proposes to utilise a private sewerage treatment plant that will discharge directly to the adjacent watercourse. It is understood that the amended drainage strategy would be subject to review and response by the Environment Agency, as part of this application and a separate approval process would be required. At this stage, it is not clear whether this alternative method is an acceptable solution which could be implemented to deal with foul drainage, therefore we would recommend a condition if the application is approved:

Condition: Prior to the commencement of development, full details regarding the on-site package treatment plant must be submitted to and approved in writing by the local planning authority. These details must include the approved permit from the Environment Agency, as well as information about the adopting body and the plan for ongoing maintenance. The development shall be carried out in strict accordance with the approved package treatment plant details prior to first occupation and shall be retained as such thereafter.

Reason: To ensure satisfactory foul drainage from the development and to safeguard the receiving water body. This is a pre-commencement condition as the foul drainage needs to be agreed at the outset of the development."

6.5 *Revised comments, received following amendments to dispose of foul water into an Anglian Water system, dated 31/12/25*

"Anglian Water objects to the proposed development due to the intended connection to the public foul drainage network. This site is located within the catchment of the Crowland Water Recycling Centre (WRC), which currently lacks the capacity to accommodate the additional flows that would be generated by the proposed development. Anglian Water has determined

that the site is unsustainable due to the associated environmental risk and the increased discharge rates, which could lead to a deterioration in water quality and an unacceptable risk of breaching environmental legislation at Crowland WRC. Considering these concerns, we recommend that planning permission be refused on the grounds of insufficient infrastructure capacity and to prevent environmental harm. Anglian Water collaborates with local planning authorities across the region to identify sustainable locations for future development, taking into account infrastructure capacity as part of the development plan processes. We also work closely with our regulators to identify opportunities for future growth investment. At present, no funding has been allocated at this Water Recycling Centre (WRC) for AMP 8 (2025-2030). However, we may seek to promote investment through our future business plans".

6.6 Lincolnshire Fire and Rescue

6.7 "The Fire Authority make no objection to the application provided that the following items were included."

The Fire Authority proceed to outline the access requirements, with respect to Building Regulations 2010, and the need to provide an additional hydrant on site.

6.8 North Level Internal Drainage Board

6.9 The board has no objections in principle to this development.

It is noted that the proposed method of surface water disposal is to a riparian watercourse to the south of the development site. As discussed in documents submitted in support of the application, this will require an application to be made to the Board seeking consent under its Byelaws".

6.10 *Additional comments, dated 07/01/26*

Please note that North Level District Internal Drainage Board have no comment to make regarding the above planning application other than that contained in the letter sent on 5 June 2025 (copy attached).

6.11 Highway and Lead Local Flood Authority

6.12 *Initial comments, dated 11/06/25*

"Additional Information Required:

- Bin collection point to be detailed - refuse vehicles will not enter private drives.
- Pedestrian connection required to the footway on Postland Road."

6.13 *Revised comments, dated 23/09/25*

"Full application for a proposed development of 9 dwellings. The developer is Seagate Homes, the development consists of 9 x 4+ market housing dwellings, with adequate parking. The land is currently Paddock land, there is an existing access with the public highway that also previously served a Garden Centre that has ceased trading. The layout consists of a 5m shared surface road that will remain private. A Refuse vehicle will not enter a private drive so a Bin collection point should be detailed nearer to the access not individual Bin collection Points that is currently detailed on the site plan. A Pedestrian connection is detailed internally to connect to the existing pedestrian footway in private land which then connects to the public highway on Postland Road. The development will increase pedestrian footfall into Crowland therefore a condition is requested to improve the public highway by installing 2no tactile crossing points from the junction with Postland Road and the junction of Girdlestone Walk. The tactile crossing required at Postland Road junction will also involve the realignment of the footway to accommodate the tactile crossing and ensure that it is positioned correctly. The proposal will not create an adverse impact on the public highway.

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

the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Planning Conditions:

In the event that permission is to be given, the following planning conditions should be attached:

Highway Condition 21 No part of the development hereby permitted shall be occupied before the works to improve the public highway (by means of a tactile crossing and footway realignment at the junction with Postland Road and a tactile crossing at Girdlestone Walk) have been certified complete by the Local Planning Authority.

Reason: To ensure the provision of safe and adequate means of access to the permitted development."

6.14 Historic Places Team

6.15 *Initial comments, dated 17/06/25*

"Thank you for consulting us on this application. The proposed development is in an area of very high prehistoric, roman, and medieval archaeological potential. This has been underestimated by the submitted design and access statement (p. 25: 57.C), which states, "There are no heritage assets in the vicinity of the site, and none will be impacted by the proposed development." The HER confirms the presence of significant heritage assets near the proposed development area: MLI20265 (Possible Barrow Cemetery), as well as MLI20269, MLI22029, MLI20250, and MLI89526. This was also confirmed by an archaeological intervention (ELI7416: Trial trenching at Anchor Church Field, Crowland).

Recommendation: Currently there is insufficient specific information on the archaeological potential for the site and the extent of impact to buried archaeological remains from the proposed development. Therefore, I recommend the applicant to provide the results of a full standard archaeological evaluation of the site. This is in line with the guidance set out in the NPPF 2024 (paragraphs 207 & 218).

The applicant has not adequately described the significance of any below-ground heritage assets that may be affected by the proposed development, and it is not "sufficient to understand the potential impact of the proposal on their significance (the heritage assets)" (Paragraph 207 of the National Planning Policy Framework (NPPF)). This in turn does not allow the Local planning authority to "identify and assess the particular significance of any heritage asset that may be affected by a proposal." (Paragraph 208 NPPF). Given the high archaeological potential, but as yet unknown character and extent, I recommend this application to be accompanied by the results of a geophysics survey, geoarchaeology assessment and full standard archaeological trial trench evaluation in order to properly assess the site potential, inform the appropriate planning advice and design an appropriate mitigation strategy should consent be subsequently granted. The evaluation will aim to determine the presence, absence, significance, extent depth and character of any archaeological remains which will be impacted by the proposed development as noted above.

It should also be noted that preferred mitigation strategies will include preservation in situ (avoidance of sensitive areas) where possible and open area excavation where not. It is important that this application to fully considered the implications of this in its project feasibility assessment and that the results have been considered in designing the layout. The ability and flexibility for this is only as good as the knowledge of extent, character and significance of the archaeological resource on the site. We cannot plan mitigation appropriately against unevidenced conclusions. It is also important to avoid any unnecessary planning conditions that would place an unreasonable planning burden on the scheme if significant archaeology were discovered during post-consent evaluation work. Paragraph 57 of the NPPF applies in this case. This information should be provided with the application so that an informed planning recommendation can be made and to meet the requirements of the National Planning Policy Framework (NPPF) paragraphs 207 and 218".

6.16 *Revised comments, received following additional information, dated 26/09/25*

"Thank you for consulting us on this application. The submitted Project Design and Risk Assessment Method Statements for the geophysical survey, together with the Written Scheme of Investigation for an archaeological trial-trench evaluation, meet the required standards. We therefore raise no objection to Amendment 2".

6.17 *Final comments, dated 05/01/26*

"Thank you for consulting us on this application. The submitted Project Design and Risk Assessment Method Statements for the geophysical survey, together with the Written Scheme of Investigation for the archaeological trial-trench evaluation, meet the required standards. We recommend that both documents are uploaded to the Planning Portal as background papers for reference. As noted in our comments of 17-06-25, the results of this work are necessary to assess the site archaeologically and to provide an informed recommendation to Planning. We raise no objection to Amendment 4".

6.18 Environmental Protection

6.19 *Initial comments, relating to noise, dated 17/06/25*

The noise impact assessment NIA 11796-24-12035-v2 makes recommendations regarding attenuation measures for plots 5 and 6. I would recommend that these are included within the specifications for enhanced glazing for the habitable rooms in plot 5 facing the current jj cars premises. boundary treatment to 5 and 6 should include a 2m acoustic grade fencing as opposed to the proposed 1.8m, in order to reduce any potential noise impact on these residential properties to an acceptable level.

6.20 *Further comments, relating to land contamination, dated 19/06/25*

"No comments regarding land contamination".

6.21 *Further comments, relating to noise, dated 30/12/25*

"satisfied that boundary treatment amendment meets requirements of previous comment".

6.22 *Final comments, dated 06/01/26*

"No comments regarding Amendment 4".

6.23 Environment Agency

6.24 *Initial comments, dated 18/06/25*

"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.

Condition:

The development shall be carried out in accordance with the submitted flood risk assessment dated March 2025, ref: 'ECL1487/SEAGATE HOMES', prepared by Ellingham Consulting Ltd and the following mitigation measures it details:

- The dwellings shall have a minimum of 2 storeys
- Finished floor levels shall be set 1.0m above the existing ground level, equivalent to 2.1m above Ordnance Datum (AOD)
- Flood resilient construction shall be incorporated to 2.9mAOD
- Demountable defences shall be included to 0.6m above finished floor levels.

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".

Proceed to outline general principles and duties with respect to flood risk.

6.25 *Revised comments, following revisions to discharge foul water by private means, dated 10/10/25*

The submitted application form states that foul sewage will be disposed of by the existing mains sewerage network. We understand that Anglian Water Services (AWS) previously objected to the discharge of foul water to the mains sewer, due to a lack of capacity in the network and the

resultant risk of sewer flooding and pollution.

Following AWS objection to the application, an amended drainage strategy has been submitted. The submitted drainage strategy dated March 2025, ref: '12899-WMS-ZZ-XX-D-C-39200-S8-P5', prepared by William Saunders Consultancy, proposes a private sewage treatment plant for the treatment of foul water, to discharge to the watercourse to the south of the site.

Paragraph 020 of the planning practice guidance section on Water Supply, Wastewater and Water Quality (PPG) outlines that the first presumption must be to provide a system of foul drainage discharging into a mains sewer. We do not consider that a lack of capacity or lack of plans to improve capacity in the sewer are valid reasons for a development to install a private sewerage system. In such cases the developer should explore how a lack of capacity may be overcome so that their development can be connected to the mains sewer.

The AWS mains sewer runs adjacent to the site. We expect any development that is within reasonable distance to the mains sewer to connect to it, unless it can be justified on cost and/or practicality grounds otherwise.

Compliance rates for public and private sewage treatment works regulated by the Environment Agency show that private sewage treatment works do not perform as well as public ones. Private systems are more likely to fail to comply with their environmental permit and cause pollution. Therefore, whilst we acknowledge the issues raised by AWS, we consider that overall, the use of private sewerage treatment systems is less environmentally sustainable than connection to the mains sewerage system.

Therefore, in line with Policy 4 (g) of the South East Lincolnshire Local Plan 2011-2036, we object to this application as we do not consider it demonstrates adequate foul water treatment and disposal.

We advise that consideration should be given to whether the system can be designed to overcome constraints on capacity or whether work can be undertaken off site to provide sewer capacity to accommodate the development.

We also advise that consideration should be given to whether the development can be phased to match to sewer capacity if your Local Planning Authority considers it reasonable to do so. Paragraph 020 of the PPG states: 'The timescales for works to be carried out by the sewerage company do not always fit with development needs. In such cases, local planning authorities will want to consider how new development can be phased, for example so it is not occupied until any necessary improvements to the public sewage system have been carried out.'

We encourage engagement between your Local Planning Authority, the developer and AWS regarding solutions or aligning the development with improvements to the sewer capacity.

The Environment Agency are unlikely to grant an environmental permit for a private treatment plant in this location".

6.26 *Revised comments, relating to flood risk, dated 05/11/25*

When providing our response to you on 18 June 2025, we followed the guidance set out in the Standing Advice, contained within Appendix C of the South East Lincolnshire Strategic Flood Risk Assessment (SFRA). When the SFRA was produced, many developers raised concerns that in areas with potential flood depths of 1-2m, requiring finished floor levels to be raised above predicted flood levels (particularly through ground raising) would make most proposals financially unviable. It was therefore necessary to reach a compromise on mitigation measures that would be acceptable and satisfy the flood risk exception test. This included the use of demountable defences where predicted depth were below 1.6m. The Planning Practice Guidance published in 2025, at Paragraph 068 Reference ID: 7-068-20220825, is now clear that demountable defences are not appropriate for new-build developments.

However, when the SFRA was produced the decision to accept demountable defences was taken against the backdrop of an overriding need for some continued development to sustain existing communities, but not promoting unnecessary growth in areas at a high risk of flooding i.e. this would only apply to those proposals that have first passed the flood risk sequential test - as required by the National Planning Policy Framework.

Given the circumstances of this application and that of the adjacent site, the Environment Agency supports the use of consistent mitigation measures being applied to both sites, should the Council decide that this site passes the sequential test.

Accordingly, the mitigation incorporated into this proposal should not follow the Standing Advice but should be secured via a condition as follows:

Condition:

Notwithstanding the mitigation measures set out in the submitted flood risk assessment dated March 2025, ref: 'ECL1487/SEAGATE HOMES', prepared by Ellingham Consulting Ltd, the dwellings shall:

- Have a minimum of 2 storeys
- Set finished floor levels a minimum of 1.5m above the existing ground levels (equivalent to 2.6mAOD)
- Incorporate flood resilient construction to 2.9mAOD

These mitigation measures shall be fully implemented prior to occupation and subsequently retained and maintained thereafter throughout the lifetime of the development."

6.27 *Final Comments, dated 08/01/26*

Environment Agency position:

Foul drainage

We have reviewed the amended drainage strategy dated March 2025, ref: '12899-WMS-ZZ-XX-D-C-39200-S8-P8', prepared by William Saunders Consultancy and consider that it satisfactorily addresses our previous concerns. On the basis that the application now proposes to discharge foul water via mains drainage, we withdraw our previous objection dated 10 October 2025.

Flood risk

We have reviewed the amended flood risk assessment dated December 2025, ref: 'ECL1487c/SEAGATE HOMES', prepared by Tim Ellingham Consulting Ltd and support the inclusion of the flood risk mitigation measures outlined in our previous letter dated 05 November 2025.

We are therefore satisfied that the proposed development will meet the requirements of the National Planning Policy Framework 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 dated December 2025, ref: 'ECL1487c/SEAGATE HOMES', prepared by Ellingham Consulting Ltd and the following mitigation measures it details:

- The dwelling shall have a minimum of 2 storeys
- Finished floor levels shall be a minimum of 1.5m above the existing ground levels (equivalent to 2.6mAOD)
- Flood resilient construction shall be incorporated to 2.9mAOD

These mitigation measures shall be fully implemented prior to occupation and subsequently retained and maintained thereafter throughout the lifetime of the development.

Reason:

To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 4 of the South East Lincolnshire Local Plan 2011-2036.

6.28 Crowland Parish Council

6.29 *Sole comments received, dated 01/07/25*

"CPC comment although outside the boundary of the local plan this proposal appears to be a well thought out development of band E properties. We share the concerns of Anglian Water regarding the foul water disposal".

6.30 SELCP Ecologist

6.31 *Sole comments, dated 17/07/25*

"Summary: There has been sufficient evidence provided to determine this application, and we support all mitigation and ecological enhancement recommendations contained in the

Preliminary Ecological Appraisal. The BNG assessment indicates that 10% biodiversity net gain can be achieved through securing outside units pre-commencement. In addition, there are a few clarifications required in the metric assessment (described below), which will require addressing and finalising pre-commencement.

Documents reviewed:

- BNG Statutory Metric
- Preliminary Ecological Appraisal

Comments:

Ecological Considerations:

-The applicant has provided a Biodiversity Net Gain Statutory Metric and thorough preliminary ecological report containing condition assessments, and baseline and post-development habitat maps. Therefore, in my judgement providing sufficient ecological data to determine the application.

-We support all mitigation and enhancement recommendations provided by the ecologist in the PEA (pages 19-20).

-Due to the high probability that nesting farmland birds are present on-site, we request a condition to the effect of:

Vegetation should be cleared outside of the main bird nesting season (March to August inclusive) where possible. If works are justifiably required during the nesting season, then a nesting bird check/habitat inspection should be undertaken prior to work by an ecologist within 24 hours prior to clearance to ensure that no nests are disturbed within the site. Any active nests discovered during inspections will be protected with a suitable exclusion buffer (of appropriate size to the species) to prevent disturbance and monitored until the nest is no longer active / all chicks have fledged, when the ecologist will provide a sign off for clearance work to continue.

-It was picked up in the PEA that the pond onsite could be a suitable habitat for great crested newts. Great crested newts are European Protected Species (EPS), given very strong protection in law. However, the pond was dry when it was resurveyed to assess newt presence/abundance, mainly due to the uncharacteristic low rainfall over the winter/spring of 2024-25. Therefore, we require a condition that restricts any work impacting the pond to the period in which it remains dry, otherwise if it is 2 holding water, a suitably qualified ecologist must assess the pond and ensure that reasonable avoidance measures and suitable mitigation are in place immediately prior to works commencing.

BNG Comments:

-Overall, the biodiversity assessment and metric calculations appear rigorous, and indicate that at least 2.4 offsite units will have to be secured to reach 10% net gain for this site. However, there are additional comments/questions about the metric assessment that will require clarification before the authority can approve a biodiversity gain plan pre-commencement for this development.

-The metric shows that the onsite pond will be improved from 'moderate' to 'good' target habitat condition, but we will need to know which condition assessment indicator will be improved to achieve this to assess feasibility. This information should be recorded in the user comments section of the BNG metric enhancements row to indicate how the pond will be enhanced.

-The baseline map and photos in the PEA shows that there are hedgerows on-site and the postdevelopment map shows proposed planting of a hedgerow with trees on site. These linear features must be included in the statutory metric for transparency and clarity.

-This proposal will need to secure offsite units pre-commencement to achieve 10% BNG. Options for purchasing offsite habitats units are:

1. Bespoke habitat creation/enhancement could be undertaken by the applicants on land they own elsewhere or in agreement with another landowner. To discharge the biodiversity gain condition the applicants would have to secure the appropriate habitat creation/enhancement by either entering a section 106 agreement with the local authority or through undertaking a conservation covenant with a responsible body pre-commencement.
2. The applicants could purchase the appropriate number of units from an offsite habitat bank and evidence this to the authority pre-commencement. This can be achieved through the applicants contacting an offsite unit provider, aka a habitat bank, (which has biodiversity units registered on the national gain-site registry) to arrange a contract for the applicant to purchase the necessary units from the habitat bank. The habitat bank then notifies the national gain-site register to allocate the specifically referenced units to the applicant. To discharge the general biodiversity gain condition, the applicant provides us with this reference information and evidence of the purchase (e.g. a receipt or copy of the contract with the habitat bank) along with

the biodiversity gain plan that they must submit to us pre-commencement. These details are also recorded within a finalised version of the metric submitted with the gain plan. The authority can then independently confirm the unit transfer by checking the unit references against the national gain-site register and then approve the gain plan to discharge the Biodiversity Gain condition.

Conclusion:

There has been sufficient evidence provided to determine this application. We support all recommendations within the PEA and note that the applicants will have to secure off-site units to discharge the general biodiversity gain condition pre-commencement. The requested changes to the metric and questions above will also need to be clarified pre-commencement."

6.32 Cllr Astill

6.33 *Sole comments, dated 22/09/25*

"Request this application goes via Chairmans Panel for consideration."

6.34 Tree Officer

6.35 *Sole Comments, dated 02/10/25*

"It would appear that effort has been taken to incorporate the existing landscaping into the development.

Pond Area. Ideally fence with a good margin around during development to retain any existing biodiversity, which may be present.

The obvious area of potential conflict between residential development and existing trees could be on proposed plots 8 and 9.

Suggest that a Planning Condition is worded to enable all immediate tree works as recommended in the Arboricultural Implications Assessment to go ahead as long as to British Standard 3998 2010, 'Recommendations for tree works', but any additional works to require the written approval of the Local Planning Authority. This condition to last indefinitely and not just during development. Similarly, that any losses should be made good unless dispensed with by the Local Planning Authority.

Other trees seem to overhang the site boundary from adjoining property. There appear to be only three that I currently believe are in residential gardens a beech and an eastern red cedar also a willow, and possibly one at the southern end of Group 18 in the report 'a mixed hedgerow'.

The potential condition above could include branches which overhang the site, if anyone other than the owner of the tree wished to instigate the potential works.

Please note the contents of the Conclusions in Section 5 of the Arboricultural Implications Assessment.

'In arboricultural terms, the development can be delivered with minimal impact on the existing trees, provided that appropriate mitigation measures are implemented throughout the construction phase. These measures include the installation of protective fencing in accordance with BS5837:2012 around Root Protection Areas (RPAs), adoption of no-dig construction techniques where required, and the sensitive routing of underground services to avoid root disturbance.

A detailed Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) should be secured by planning condition and submitted prior to commencement of any works on site. With these safeguards in place, the scheme presents a low risk to the retained trees and is consistent with local and national planning policy objectives regarding the protection of green infrastructure and biodiversity."

6.36 Public Representations

6.37 This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, eight letters of

representation have been received, divided into seven objections and one comment.

The comment can be summarised as:

- Concerns over the impact on flooding in area.
- Concerns regarding the loss of biodiversity.
- Disagree with the additional road.

The objections can be summarised as:

- Impact upon and lack of capacity of services and infrastructure (including schools, health care and water infrastructure).
- All development should be stopped until the expansion of health centre.
- Loss of sense of community.
- Worsen flood risk for nearby dwellings.
- Loss of biodiversity.
- Overdevelopment of Crowland.
- Impact upon archaeology.
- Impact on road safety and traffic.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Evaluation

7.3 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.

7.4 The adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

7.5 The policies and provisions set out in the National Planning Policy Framework, December 2024 are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

7.6 Principle of Development

7.7 Policy Context

7.8 *Spatial Strategy*

7.9 Policy 1 of the South East Lincolnshire Local Plan, 2019 sets out the settlement hierarchy in respect of delivering sustainable development, which 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 need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

7.10 Policy 1 expresses this sustainable hierarchy 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 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 location.

7.11 The site is outside of any defined settlement boundary as outlined in the Policy 1 of the South

East Lincolnshire Local Plan, 2019. Policy 1 indicates that sites outside of settlement boundaries will be designated as Countryside. The wording of the Policy is clear in that this designation is based principally on the settlement boundaries outlined in the relevant inset maps, rather than alternative considerations on the ground, such as the built form of the area.

- 7.12 In this regard, nowhere within Policy 1 is it stated that locations which are adjacent to settlement boundaries are to be given an alternative policy assessment. Nor is stated that sites are not required to pass the relevant tests under Policy 1, where settlements have functionally been extended beyond their defined boundaries.
- 7.13 This matter is evidenced within the wording of Policy 1.B.1. "Main Service Centre", which the nearby settlement of Crowland would be categorised as, explicitly relates to development within settlement boundaries. The first line of this section of the policy reads "within the settlement boundaries of the Main Service Centres". The use of the word "within" is consistent with the other provisions of Policy 1. To this end, while development has occurred adjacent to the site, the wording of Policy 1 is such that there is no requirement to assess the proposal under alternative provisions.
- 7.14 Within the Inspector Report associated with Appeal APP/A2525/W/25/3362446, the Inspector stated: "There is no clause within the LP (Local Plan) which indicates that the defined settlement boundaries should be reconsidered in the event development is permitted outside of their limits". To this end, the decisions by the Planning Inspectorate have been clear that there is no policy need to reconsider settlement boundaries, in light of development within the intervening years since the Local Plan's creation.
- 7.15 Under Policy 1 of the South East Lincolnshire Local Plan, 2019, 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."
- 7.16 Within the Reasoned Justification section of Policy 1, Paragraphs 3.2.15, 3.2.16 and 3.2.17 broadly outline when a proposal may be considered "necessary to such a location". These include, but are not limited to: applications relating to agriculture and forestry, appropriate tourism uses, reuse or replacement of an existing asset, housing for Gypsy, Traveller and Travelling Showpeople accommodation or to meet the specific housing needs of a settlement. This final point is in relation to rural exception sites, which this application is not seeking.
- 7.17 The Inspector's comments within APP/A2525/W/22/3313330, APP/A2525/W/24/3343297, and APP/A2525/W/25/3362446, amongst other appeals, have also been used to consolidate this interpretation of Policy 1. Paragraph 21 of the Inspector's Report for APP/A2525/W/22/3313330 outlines that the South East Lincolnshire Local Plan, 2019, "advocates containment within settlement boundaries other than in selected cases". All three outline that the benefits to the area must go beyond what would be typically expected for an in-settlement development of the same nature.
- 7.18 *Rural Exception Sites*
- 7.19 Policy 19 of the South East Lincolnshire Local Plan, 2019 relates to rural exception sites. The policy states the following:
- "Proposals for housing on sites situated outside, but adjoining the defined settlement boundaries identified by Policy 1 will be permitted where the following criteria are met:
1. the scheme would meet an identified local need for affordable housing, Starter Homes or specialist housing that cannot be met within the settlement boundaries;
 2. the scale of the development would be in-keeping with the role and function of the settlement; and
 3. pre-application engagement with the local community has been undertaken to the satisfaction of the Local Planning Authority."
- 7.20 The application has made no pretence that it seeks to be considered as a rural exception site. On this basis, it is not considered appropriate to assess the application as a rural exception site.

- 7.21 In any event, Policy 19 of the South East Lincolnshire Local Plan, 2019 provides three criteria which would have to be met in order for the site to be considered as a rural exception site. Assessing the proposal against these criteria, the following is considered:
1. The scheme would not meet an identified housing need for any of the housing types outlined in Policy 19. No affordable homes are proposed, with all dwellings proposed to be "executive dwellings". Whilst the submitted 'Supporting Information for the Sequential & Exception Tests with the Flood Risk Assessment' outlines that there is likely a limited supply of this type of larger homes, this is not fully evidenced. There is no evidence that supply is not meeting demand in the settlement. In any event, this would not be one of the dwelling types which would be covered under Policy 19. Point 1 is therefore not met. All dwellings proposed are market dwellings.
 2. The scale would not be out of keeping with the role or function of the settlement. Crowland is a main service centre and therefore would be capable of accepting higher levels of development.
 3. No evidence of pre-application engagement has been provided. Point 3 is therefore not met.
- 7.22 As such, the development could not qualify as a rural exception site; and therefore, the following assessment shall proceed on this basis.
- 7.23 *Need for Housing*
- 7.24 The National Planning Policy Framework, December 2024 outlines, within Paragraph 61, 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. The overall aim should be to meet an area's identified housing need, including with an appropriate mix of housing types for the local community".
- 7.25 Paragraph 73 of the National Planning Policy Framework, December 2024 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 paragraph 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.
- 7.26 Assessment
- 7.27 As outlined above, the proposal is located outside of the settlement boundaries of Crowland and would therefore be within the Countryside for the purposes of Policy 1. The wording of Policy 1 of the South East Lincolnshire local Plan, 2019 means that there is no special compensation shown for edge of settlement developments which do not meet the definition of rural exception sites, which this proposal does not.
- 7.28 The proposal therefore would have to demonstrate that it either necessitates a Countryside location or that it would make a suitable contribution to the sustainable development needs of the area.
- 7.29 The assessment of need outlined in Policy 1 would not be extended to infill development in the countryside, instead being reserved for a functional need such as gypsy/traveller or agricultural workers accommodation. It has not been stated within the submission that there would be a need for development to occur in this location and nor is it considered by the Local Planning Authority that there is an overriding need for a development of this nature to occur in this specific location.
- 7.30 On this basis, it is not considered that the proposal necessitates this location, and it remains for the proposal to demonstrate the "sustainable development needs of the area in terms of economic, community or environmental benefits." Assessing the proposal against these criteria, the following is considered:

- 7.31 Economic - there would be a short-term economic gain caused by the construction of the dwellings; however, any gains from this are inherently short-term and the weight afforded to them limited as a result. Likewise, the occupants may work locally and contribute to local services. There would therefore be a small economic gain emerging from the proposal. However, these gains would be generated irrespective of the location of development and cannot be said to emerge or be enhanced by this specific proposal and the out of settlement location.
- 7.32 Community - the Council are capable of demonstrating a housing land supply in excess of five years as of 31st March 2025. As such, whilst it is acknowledged there would be an intrinsic benefit to the provision of more dwellings, the Council are meeting demand and therefore a reduced weight is afforded to this point. The dwellings proposed would all be market dwellings, meaning there would be no contribution to affordable homes in the area. As outlined previously, there would be a contribution towards supply of higher-end properties; however, it has not been fully evidenced that there is a dearth of this dwelling type or that this would be an overly significant benefit for the area. Equally, these gains would be generated irrespective of the location of development and cannot be said to emerge or be enhanced by this specific proposal and the out of settlement location. No specific community facilities are proposed. As such, it is not considered that there would be a community benefit.
- 7.33 Environmental - there would be obvious environmental impacts arising from emissions in construction and the procurement of materials. The submitted scheme has not proposed adaptation methods to demonstrate a lower carbon impact. The submitted biodiversity information shows that offsite gains would be secured due to a net negative impact on conditions on site. It cannot therefore be said that there would be an overall positive impact upon local ecosystems. The provision of biodiversity net gain as detailed is specific to the legislative requirement's set out under Schedule 9A and as such, any such gain through this provision would be a requirement of the development and is not an additional benefit that would otherwise be given additional weight. Moreover, it should be noted that the proposal would be required to meet the needs of the area, rather than the site itself, meaning that any environmental benefits would have to cascade into the wider area. This has not been demonstrated.
- 7.34 For the above reasons, it is not considered that the proposal would contribute to the sustainable benefit needs of the area. Therefore, the proposal is considered to be contrary to Policy 1 of the South East Lincolnshire Local Plan, 2019. On this basis, the proposal is unacceptable in principle.
- 7.35 Layout, Design, Scale and Consideration of the Character of the Area
- 7.36 Section 12 of the National Planning Policy Framework (December 2024), "Achieving well-designed places", states 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.
- 7.37 Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (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. Developments 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, among other considerations.
- 7.38 Paragraph 139 of the National Planning Policy Framework (December 2024) states: "Development that is not well designed should be refused, especially where it fails to reflect 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. Conversely, 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."

- 7.39 South Holland do not have a local design guide, meaning that supplementary guidance on design matters is principally driven by national documents, including the National Design Guide (NDG). The NDG outlines broad principles for well designed places. The NDG is supported by the National Model Design Code (NMDC), which has a greater emphasis on matters such as density and built form, and approaches assessments in a more empirical manner.
- 7.40 Likewise, Policy 2 of the South East Lincolnshire Local Plan, 2019 outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the South East Lincolnshire Local Plan, 2019 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.
- 7.41 These policies accord with the provisions of the National Planning Policy Framework (December 2024) and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.
- 7.42 The proposed scale of development, the materials chosen, and overarching design philosophy would not be typical of Crowland or the immediate area. The Extensive Urban Survey for Crowland (Lincolnshire County Council and Historic England, 2022) splits the town into the Historic Core and 20th and 21st Century Residential Expansion, with this site falling into the latter. In neither character area is stone considered to be the primary material, with both areas having red and buff bricks as the primary building material. The use of stone would be more reminiscent of south-western Lincolnshire (e.g., Stamford) and whilst black timber is a vernacular material in South Holland as a whole, its examples in the immediate area are limited. Features such as the heavy use of glasswork is not typical of Crowland as a whole. On this basis, the proposed development would be poorly integrated into the settlement of Crowland and would fail to reflect the provisions of Paragraphs 53, 56 and 57 of the NDG as a result.
- 7.43 That being said, the site is currently well screened, being bordered by large trees and hedges on all sides. As a result of this, whilst it is physically close to surrounding developments, it is visually distinct from the surrounding area and to a certain extent can be read in isolation of nearby sites. As a result, the ability to integrate the proposal with existing developments, and the need to do so, is reduced somewhat; albeit, this emphasises the concerns in regard to the development when considered locationally and in principle as referred to above. This is consistent with Paragraphs 44 and 60 of the NDG which enables developments to create a new identity. The screening would cause a reduction in visibility, reducing the wider character impacts which may occur via development. On this basis, a reduced need to integrate with Crowland could be applicable here and the site can, to a certain extent, be judged in isolation of the wider context, in character terms.
- 7.44 Taken in isolation of external factors, the overall scheme is reasonably well designed. There is a clear sense of coherence throughout the scheme, in terms of scales, materials, and design features, which lends itself to the creation of a clear sense of place. Materials and features are well varied to create a diverse appearance and prevent repetition. The choices are appropriate for the chosen design philosophy to ensure that the aim of an "executive" estate is met.
- 7.45 Seeing as this section of Postland Road (i.e., the far eastern side of the road, the former garden centre and Girdlestone Walk) offers limited positive characteristics, the provisions of the NDG would enable the creation of a new identity. This ability to create a new identity and localised sense of place is furthered by the visual distinction that boundary treatments have created. On

this basis, whilst the site is poorly integrated into its surroundings, it is considered that the overarching principles of the NDG have been met and that a suitable sense of place is created.

- 7.46 Ground levels would be raised significantly as part of this development. That being said, much of the site is currently far below the ground levels of the adjacent dwellings to the west and the proposed finished ground levels are more or less consistent with these external levels. Significant distances between dwellings and the site boundaries are proposed. On this basis, whilst the dwellings are raised significantly, they would not appear overly imposing.
- 7.47 Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework (December 2024).
- 7.48 Impacts Upon Resident Amenity
- 7.49 Paragraph 135 of the National Planning Policy Framework, 2024 states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.50 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.
- 7.51 As a part of this proposal, significant remedial works, including the significant raising of ground and floor levels throughout the site, are proposed. The raising of ground levels is not anticipated to give rise to significant amenity impacts, as the resultant levels proposed relate well to existing levels of neighbouring sites. Adequate distance is proposed between existing and proposed dwellings to prevent any significant overlooking or overshadowing effect, despite the raise in finished floor levels.
- 7.52 Some overlooking would occur between plots, in particular 2, 3 and 4, comprising partial overlooking to each other's gardens. However, this level is not overly substantial and would not result in unacceptable living conditions.
- 7.53 As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with Section 12 of the National Planning Policy Framework, 2024 and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.
- 7.54 Highway Safety and Parking
- 7.55 Section 9 of the National Planning Policy Framework (December 2024) is titled 'Promoting sustainable transport'. Within this, Paragraph 116 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios".
- 7.56 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.
- 7.57 Policy 36 of the South East Lincolnshire Local Plan, 2019, in conjunction with Appendix 6, 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.

- 7.58 The proposed access arrangement is considered acceptable. Given the volume of traffic the development would generate, it is not considered that there would be an unacceptable or severe impact upon highway infrastructure.
- 7.59 Subject to the request for a planning condition, Lincolnshire County Council Highways, as Local Highway Authority, have raised no objection to the proposal, stating that "The proposal will not create an adverse impact on the public highway".
- 7.60 The comments detailed that "the development consists of 9 x 4+ market housing dwellings, with adequate parking" and that "there is an existing access with the public highway that also previously served a Garden Centre that has ceased trading. The layout consists of a 5m shared surface road that will remain private". With regard to the requested condition, it was stated that "The development will increase pedestrian footfall into Crowland therefore a condition is requested to improve the public highway by installing 2no tactile crossing points from the junction with Postland Road and the junction of Girdlestone Walk. The tactile crossing required at Postland Road junction will also involve the realignment of the footway to accommodate the tactile crossing and ensure that it is positioned correctly".
- 7.61 It is also considered that adequate on-site parking has been maintained for all dwellings.
- 7.62 The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the South East Lincolnshire Local Plan, 2019, as well as Section 9 of the National Planning Policy Framework (December 2024).
- 7.63 Flooding Considerations
- 7.64 Section 14 of the National Planning Policy Framework (December 2024) 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: (...) applying the sequential test and then, if necessary, the exception test as set out below".
- 7.65 Paragraph 174 of the National Planning Policy Framework (December 2024) states "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". The strategic flood risk assessment provides the basis for applying this test.
- 7.66 Paragraph 175 of the National Planning Policy Framework (December 2024) states that "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)."
- 7.67 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 process for applying the Exception Test is outlined within Paragraphs 177, 178 and 179 of the National Planning Policy Framework (December 2024). Paragraph 178 states "to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall".
- 7.68 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.

- 7.69 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, 2019 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.
- 7.70 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 SFRA as a basis to apply the sequential test.
- 7.71 Within the SFRA, looking at the 1% fluvial and 0.5% tidal maps due to the two-storey nature of the development, the site is classed as danger for most and danger for all, with a hazard depth of up to 2m.
- 7.72 Paragraph 174 is clear that the SFRA will provide the basis for applying the sequential test. The SFRA requires the production of a sequential test of all available sites within a reasonable search radius. Given the proximity to Crowland, a search radius of the settlement and immediately surrounding areas has been taken by the applicant. Given the location of the site, this is considered appropriate. Once a search area has been defined, the SFRA requires a systematic analysis of sites, first by hazard zone, then depth, to determine whether the proposed location is sequentially preferable.
- 7.73 As outlined in the submitted flood risk assessment and sequential test, the core of Crowland is within a lower flood risk area. This area has been discounted by the applicant due to the lack of available development land. Whilst this has not been fully evidenced, given the historic building pattern in the core, it is unlikely that land in the town centre of Crowland could be considered as reasonably available; albeit, this has not been fully evidenced as required.
- 7.74 That being said, the flood risk assessment and sequential test document has identified an array of sites to the south of Crowland. The submitted documentation states: "Land is available to the Southwest of Crowland within Flood Zones 1 and 2 which would be suitable for development". An examination of the SFRA maps show that the hazard zone is comparable to the proposal site; however, the peak depths are lower. The Supporting Information for the Sequential and Exception Tests document goes on to state that this identified site to the south-west would be unsuitable as it would be better used for larger scale development.
- 7.75 Paragraph 8.3.8 of the SFRA states, with regard to 'reasonably available sites' that: "Reasonably available sites should NOT be discounted on the following grounds: They are larger than the proposed site (a series of smaller sites accommodating an equivalent quantum may also be considered); They do not offer sustainability benefits equivalent to the proposed site".
- 7.76 On this basis, the identified southwestern site, which would have lower flood depths, cannot be discounted and should be considered sequentially preferable.
- 7.77 It should also be noted that to the immediate east of the site is allocated site Cro050, which is allocated for 70 dwellings. Again, this site is considered capable of accommodating the proposed development.
- 7.78 The SFRA is also clear that an agglomeration of smaller sites can be considered within the sequential test, so long as they cumulatively deliver the same quantum of development. No search for these smaller sites has taken place, although it is likely that individual plots to deliver nine dwellings could be found throughout Crowland. It should also be noted that the applicant themselves also have an ongoing proposal within the settlement of Crowland, for nine dwellings.

- 7.79 On this basis, it is considered that the sequential test has been failed and the proposal is contrary to Section 14 of the National Planning Policy Framework (December 2024) and Policy 4 of the South East Lincolnshire Local Plan, 2019.
- 7.80 In any event, turning to the exceptions tests, Paragraph 178 is clear that to pass the exception test it should be demonstrated that: a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 7.81 The comments from the Environment Agency regarding the adaptation of dwellings to be safe for their lifetime has been conformed to. The finished floor level of dwellings has been raised significantly, as has proposed ground levels. The measures taken would ensure that the dwellings are safe for their lifetime, thereby meeting part b.
- 7.82 Turning to part a, the proposal would not comply with the spatial strategy. The proposal would not contribute to a housing need which is identified in the South East Lincolnshire Local Plan, 2019. No affordable homes or community facilities are proposed. On this basis, there would be no significant benefits to the community which would outweigh the significant onsite flood risk.
- 7.83 Therefore, the proposal would fail the exceptions test also, although this need not be applied due to the failure of the sequential test.
- 7.84 Overall, when considering the development on balance, it is considered, that the proposal is contrary to Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) with regards to flood risk.
- 7.85 Drainage
- 7.86 Policy 4 of the South East Lincolnshire Local Plan, 2019, in addition to its considerations of flood risk, also concerns site drainage. This would be both foul and surface water drainage.
- 7.87 A detailed surface water drainage scheme has been provided. Most noticeably, this includes the installation of French drainage around the sites perimeter to ensure there would be no runoff into adjacent properties. Surface water then discharges into an IDB system. Given the site constraints, the drainage approach is considered to be acceptable.
- 7.88 Turning to foul water, it was initially proposed that this be disposed of into an Anglian Water system, as the sewerage and water provider for the area. Anglian Water objected to this proposal (see comments summarised above) on the grounds that there was inadequate capacity at the Crowland Water Recycling Centre (WRC), stating that the additional flows could lead to additional pollution and a deterioration in water quality.
- 7.89 Amendments were then received indicating that foul water was to be disposed of via a private sewage system. The Environment Agency, who regulate private sewage treatment and issue environmental permits for private sewage system, subsequently objected to the use of private systems on the grounds that it would be contrary to the worse for the environment than discharge to public sewers. The proposal, in the view of the Environment Agency, would therefore be contrary to Policy 4 of the South East Lincolnshire Local Plan, 2019. The Environment Agency advised that they would be unlikely to grant the proper permits for a private treatment plant on this site. Anglian Water did not object to the proposed private system.
- 7.90 In line with the comments of the Environment Agency, it is considered that private sewage systems would be unacceptable on the site. There would be, in the view of the Environment Agency as the relevant consultee on these matters, an unacceptable risk of harm to the environment as a result of this proposed foul water disposal method. In any event, the Environment Agency's pessimism regarding the likelihood of receiving the proper permitting means that this is not a viable solution. As such, further amendments have been sought to return the proposed disposal method to an Anglian Water system.

- 7.91 Following this final round of amendments, a further objection from Anglian Water was received, highlighting concerns with the inability of the Crowland WRC to cope with additional flows. This objection is noted; however, all Water and Sewerage Companies have a legal obligation under Section 94 of the Water Industry Act 1991 to provide developers with the right to connect to a public sewer regardless of capacity issues. Paragraph 20 of the relevant section of the Planning Practice Guidance (PPG) states: "The timescales for works to be carried out by the sewerage company do not always fit with development needs. In such cases, local planning authorities will want to consider how new development can be phased, for example so it is not occupied until any necessary improvements to the public sewage system have been carried out."
- 7.92 As a matter of context, it is a legal right for developers to connect into the sewerage network under Section 106 of the Water Industry Act 1991. In such circumstances the Act confirms, 'The sewerage undertaker cannot refuse to permit the connection on the ground that the additional discharge into the system will overload it. The burden of dealing with the consequences of this additional discharge falls directly upon the undertaker and the consequent expense is shared by all who pay sewerage charges to the undertaker.'
- 7.93 It is appreciated that Anglian Water, in their capacity of providing consultation responses, are objecting to a large extent of proposals within areas where they consider there to be a lack of sufficient capacity. In this instance, beyond the direct response that they recommend that planning permission be refused on the grounds of that detailed, or conditioned adequately, no further detail of this matter has been provided, nor have the likelihood or potential harm been specifically identified in relation to the site-specific risk and environmental harm that would occur should the development be approved and connected to the existing foul network.
- 7.94 Paragraph 201 of the National Planning Policy Framework (December 2024), in discussing 'Ground conditions and pollution', states that "The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities".
- 7.95 Furthermore, turning to National Planning Policy Guidance, paragraph 016 states that "Water quality is only likely to be a significant planning concern when a proposal would:
- involve physical modifications to a water body such as flood storage areas, channel diversions and dredging, removing natural barriers, construction of new locks, new culverts, major bridges, new barrages/dams, new weirs (including for hydropower) and removal of existing weirs; and/or
 - indirectly affect water bodies, for example: - as a result of new development such as the redevelopment of land that may be affected by contamination, mineral workings, water or wastewater treatment, waste management facilities and transport schemes including culverts and bridges; - result in runoff into surface water sewers that drain directly, or via combined sewers, into sensitive waterbodies e.g. water bodies with local, national or international habitat designations; - through a lack of adequate infrastructure to deal with wastewater; - through a lack of adequate infrastructure to deal with wastewater where development occurs in an area where there is a strategic water quality plan e.g. Nutrient Management Plans, River Basin Management Plans, water cycle studies, diffuse water pollution plans or sewerage undertakers' drainage strategies which set out strategies to manage water quality locally and help deliver new development".
- 7.96 Given the absence of any specifically articulated risk or harm that may occur from the development, and given the absence of any identified risk or harm being directly attributable to the proposed development, in particular in the absence of this from Anglian Water in its capacity as sewerage undertaker, it is considered that it has not been demonstrated or evidenced that the proposal would result in any of the above scenarios.
- 7.97 On the basis of the lack of realistic alternative solutions, the provisions of the Water Industry Act, 1991, and the guidance contained within the PPG, it is considered that the most appropriate course of action would be, in the event the application is to be approved, a Grampian condition be imposed which would prevent the occupation of the dwellinghouses until such a time as the proper headroom is available within the Crowland WRC.

- 7.98 For these reasons, subject to an appropriately worded condition, the site drainage is considered acceptable. Without said condition; however, the scheme would be unacceptable due to the lack of foul water capacity.
- 7.99 Biodiversity Net Gain
- 7.100 Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.
- 7.101 "Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met ("the biodiversity gain condition"). This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits".
- 7.102 The biodiversity gain condition is a pre-commencement condition. This relates to a condition that seeks, once planning permission has been granted, a Biodiversity Gain Plan that must be submitted and approved by the planning authority before commencement of the development, alongside the need to submit a Habitat Management and Monitoring Plan.
- 7.103 The effect of Paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission is deemed to have been granted subject to the "biodiversity gain condition". The effect of this "biodiversity gain condition" is that development granted by this notice must not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan, or
(c) the development is exempt from the biodiversity gain condition.
- 7.104 The proposal would be required to demonstrate net gain. The submitted report and metric show a short fall of 14%. It is proposed that the relevant gains would be secured through the purchase of offsite units. This is considered appropriate, and should a favourable determination be made, a condition would be recommended.
- 7.105 Archaeology
- 7.106 Part C of Policy 29 of the South East Lincolnshire Local Plan (2019) concerns "archaeology and scheduled monuments". This Policy outlines five assessment points for an application which may impact upon archaeological remains, the first three of which are particularly relevant here:

"1. Proposals that affect archaeological remains, whether known or potential, designated or non-designated, should take every reasonable step to protect and, where possible, enhance their significance.
2. Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.
3. If initial assessment does not provide sufficient information, developers will be required to undertake field evaluation in advance of determination of the application. This may include a range of techniques for both intrusive and non-intrusive evaluation, as appropriate to the site."
- 7.107 Paragraph 205 of the National Planning Policy Framework (December 2024) states:
"Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:
a) assess the significance of heritage assets and the contribution they make to their environment; and
b) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future."

- 7.108 In this instance, the historic environment record comes from the Lincolnshire Historic Environmental Record (LHER). The LPA's interpretation of the information within the LHER is informed via consultation with the Historic Places Team of Lincolnshire County Council (HPT), who maintain the LHER.
- 7.109 The public information relating to the LHER is taken from the Lincolnshire Heritage Explorer (LHE). The LHE is not a comprehensive database, and the information contained within it is constantly evolving. The LHE webpage is explicit that "the information provided through the Lincolnshire Heritage Explorer is only part of that held by the LHER, and will not be sufficient on its own to inform the planning process".
- 7.110 Sites of archaeological interest can broadly be separated into two categories: designated assets and non-designated assets. Designated assets, such as scheduled monuments, are far rarer and only occur in places where the requirements of the Ancient Monuments and Archaeological Areas Act 1979 can be applied. These are sites which have a pre-established significance to archaeological understanding at a wider national level, and must be designated by the Secretary of State as such. Accordingly, such sites are rare and are often designated after the scope of the asset has been established. The site in this instance is not designated.
- 7.111 Footnote 75 of the National Planning Policy Framework (December 2024) states that: "Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets."
- 7.112 It has been stated by the relevant consultee from the HPT, that the site is in an area of high archaeological potential. On this basis, the site can be considered a site of archaeological interest, and a potential non-designated heritage asset.
- 7.113 On this basis a written scheme of investigation (WSI) was submitted to the Council. This document was considered to be acceptable by the HPT, meeting the relevant requirements. As such, the proposal complies with the requirements of Policy 29 of the South East Lincolnshire Local Plan (2019) and Section 16 of the National Planning Policy Framework (December 2024).
- 7.114 **Additional Considerations**
- 7.115 Public Sector Equality Duty
- 7.116 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.
- 7.117 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.118 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.
- 7.119 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.120 Human Rights

7.121 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).

7.122 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.

7.123 **Planning Balance**

7.124 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.

7.125 The site is located outside of any defined settlement boundary. The provisions of Policy 1 are such that this site must be assessed as a Countryside location and must adhere to the relevant provisions of the policy, regardless of the relationship to the nearby settlement. It is not considered that there is sufficient need for or suitable benefits emerging from the proposal to meet the requirements of Policy 1. On this basis, the proposal is contrary to Policy 1 of the South East Lincolnshire Local Plan, 2019, representing an unsustainable location of development.

7.126 The site is within a significant flood risk area. The proposal is considered to fail the sequential test, as reasonably available sites at lower flood hazard and depths are present in the wider area. In any event, the benefits to the area would not outweigh the risk of flooding, thereby failing the exceptions test.

7.127 There are no significant factors in this case that would outweigh the harm identified; therefore, the planning balance is against the proposal.

7.128 **Conclusion**

7.129 Taking these factors into consideration, the proposal is considered contrary to Policies 1, 2, 3 and 4 of the South East Lincolnshire Local Plan (2019), as well as Section 14 of the National Planning Policy Framework (December 2024). There are no significant factors in this case that would outweigh the harm identified; therefore, the planning balance is against the proposal.

8.0 **RECOMMENDATIONS**

8.1 It is recommended that the application be refused.

9.0 **REASONS FOR REFUSAL**

1. The application site is located outside of any settlement boundary outlined within the South East Lincolnshire Local Plan, 2019 and as such is considered to be within the Countryside for the purposes of Policy 1. Policy 1 of the South East Lincolnshire Local Plan 2019 states that development in the Countryside will only 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 proposal has not demonstrated that it necessitates a Countryside location, nor that it would suitably meet the development needs of the area in respect of the three criteria listed in Policy 1. As such, the proposal would fail to conform to the requirements of Policy 1 of the South East Lincolnshire Local Plan 2019; and therefore, the proposal would represent an unsustainable form of development at odds with the principles of the Development Plan.

2. The site lies primarily within Flood Zone 3 of the Environment Agency's Flood Maps for Planning, within an area classified within the South East Lincolnshire Strategic Flood Risk Assessment as "danger for most" and "danger for all". The site has an expected maximum flood hazard depth of up to 2m.

The submitted Flood Risk Assessment and supporting sequential test documents have failed to adequately demonstrate, through a comprehensive search for alternative sites in line with the provisions of the Strategic Flood Risk Assessment, that the proposed development site is sequentially preferable from a flood risk perspective. There is a lack of clear and convincing evidence that no alternative sites, either within Crowland or in the area surrounding the settlement, at a lower flood risk are reasonably available for a development of this nature. On this basis, it is not considered that the sequential test has been passed; and therefore, the proposal is considered to be contrary to Policy 4 of the South East Lincolnshire Local Plan, 2019, as well as Section 14 of the National Planning Policy Framework, December 2024.

In any event, notwithstanding that the proposal is considered to have failed the sequential test, the proposal is considered to fail the exceptions test also. The proposal is not considered to provide suitable benefits to the community which would outweigh the flood risk, in line with Paragraph 178 of the National Planning Policy Framework, 2024. On this basis, the proposal would fail the exceptions test, and would therefore be contrary to . Policy 4 of the Policy 4 of the South East Lincolnshire Local Plan, 2019, as well as Section 14 of the National Planning Policy Framework, December 2024 in this eventuality also.

As such, the proposal is considered to fail to pass the sequential and exceptions tests, and is therefore contrary to the provisions of Section 14 of the National Planning Policy Framework, December 2024, as well as Policy 4 of the South East Lincolnshire Local Plan, 2019.

3. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. Furthermore, matters of concern with the application have been identified and discussed with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory solution and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

4. The determined plans are:

- Location Plan
- Site Layout - PRC-SH-SL-AR-1001 Rev B
- Floor Plans - Plot 1 - House Type S408 - S408 - 02 - Plans
- Elevations - Plot 1 - House Type S408 - S408 - 01 - Elevations
- Floor Plans - Plot 2 - House Type S412 - S412 - 02 - Plans
- Elevations - Plot 2 - House Type S412 - S412 - 01 - Elevations
- Floor Plans - Plots 3 & 7 - House Type S418 - S418 - 02 - Plans
- Elevations - Plots 3 & 7 - House Type S418 - S418 - 01 - Elevations
- Floor Plans - Plot 4 - House Type S414 - S414 - 02 - Plans
- Elevations - Plot 4 - House Type S414 - S414 - 01 - Elevations Rev A
- Floor Plans - Plot 5 - House Type S503 - S503 - 02 - Plans
- Elevations - Plot 5 - House Type S503 - S503 - 01 - Elevations
- Floor Plans - Plot 6 - House Type S501 - S501 - 02 - Plans
- Elevations - Plot 6 - House Type S501 - S501 - 01 - Elevations
- Floor Plans - Plot 8 - House Type S415 - S415 - 02 - Plans
- Elevations - Plot 8 - House Type S415 - S415 - 01 - Elevations
- Floor Plans - Plot 9 - House Type S416 - S416 - 02 - Plans
- Elevations - Plot 9 - House Type S416 - S416 - 01 - Elevations
- Floor Plans & Elevations - Detached Double Garage - Garage - 01 - Plans & Elevations
- Site Elevations - PRC-SH-SE-AR-1004 Rev A
- Site Sections - PRC-SH-SS-AR-1009 Rev C
- Concept Plan - PRC-SH-CP-AR-1006 Rev A
- Pos Plan - PRC-SH-POS-AR-1005 Rev A
- Materials Plan - PRC-SH-MP-AR-1003 Rev B
- Boundary & Landscaping - PRC-SH-BL-AR-1002 Rev B
- First Floor Window Positions - PRC-SH-WIN-AR-1008
- Design and Access Statement Planning Statement, produced by Mike Sibthorp Planning, dated May 2025
- Arboricultural Implications Assessment, produced by Peace Arboriculture, dated May 2025
- Noise Impact Assessment, produced by Environmental Noise Solutions Limited, dated 29th April 2025
- Written Scheme of Investigation for an Archaeological Trial-Trench Evaluation, produced by Witham Archaeology, dated August 2025
- Project Design & Risk Assessment Method Statements for Geophysical Survey, produced by Sumo GeoSurveys, dated 26th August 2025
- BNG Metric Calculation Tool
- Ecological Appraisal & Great Crested Newt eDNA Survey, produced by Rachel Hacking Ecology, dated 25th July 2025
- Drainage Strategy - 12899 - WMS - ZZ - XX - D - C- 39200 - S8 - P8
- Drainage Statement, produced by William Saunders, dated 16th December 2025
- Additional Supporting Information for the Sequential & Exception Tests with the Flood Risk Assessment, produced by Seagate Homes, dated December 2025
- Flood Risk Assessment, produced by Ellingham Consulting Ltd, dated December 2025

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post: Nick Atkinson , Lead Development Management Planner (Interim) - BBC & SHDC

Telephone Number:

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

