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Chartered Town Planners

**PLANNING, DESIGN, AND ACCESS STATEMENT IN SUPPORT OF
PLANNING APPLICATION**

BY

Cicero Estates

FOR

Outline Application for Erection of up to 185 Dwellings, renewal of H09-0534-12

AT

Land off Battlefields Lane, Holbeach PE12 7PG

PREPARED BY

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1.0 Introduction

- 1.1 The following statement is prepared in support of proposals for the development of the land for the purposes of housing and the erection of a scheme of up to 185 No. dwellings with associated access, parking, open space and landscaping.
- 1.2 The site at present stands in agricultural use, having been utilised most recently for the farming of cabbage crop. The land has been long allocated for residential development and is cited within the adopted Local Development Plan the South East Lincolnshire Local Plan 2011-2036 at Site Allocation ref. HOB032.
- 1.3 The Council should thus be well aware of the site and its planning history and thus its acceptability as a site for housing development. The site has sat on the Council's SHLAA for some time with the expectation that it would come forward and be built out. This has not however occurred.
- 1.4 The Applicant is seeking to now renew the Outline planning Permission for the site, and thereafter by further application processes achieve an implementable planning consent, to bring what is currently a substantial committed development site within the settlement boundary of Holbeach forwards for development. At the time of writing the application site still benefits from Outline Planning Permission for the same pattern of development, however that permission will shortly expire, hence this is being renewed with a view to formally being progressed.
- 1.5 The application before the Council is prepared in Outline, with all matters, with the exception of Access, reserved for the Council's subsequent approval.
- 1.6 The following statement demonstrates thus that the proposals are acceptable in terms of their principle and that those matters reserved are capable of being dealt with at reserved matters stage to secure an acceptable development.

- 1.7 The statement provides a full description of the site and surrounding area and reasoned assessment of the development proposals in accordance with Local and National policy requirements. The statement also provides the required detailed information in relation to design and access as required by Government guidance, culminating with a reasoned justification of why permission should be granted.
- 1.8 This statement demonstrates that the proposals are acceptable in all regards; the development is sustainable and there are numerous benefits in the public interest and no significant adverse impacts which, as per the direction of the National Planning Policy Framework, suggests that Planning Permission should be granted.

2.0 The Issues

- 2.1 From my analysis of the site, the proposals and planning history, bearing in mind the provisions of the Local Development Plan, National Policy and other material considerations, I consider the main issues to be:
- The principle of the development of land within the defined settlement boundary;
 - The impact of the proposals upon the character of the area and the pattern of development within the street scene;
 - The impact of the development upon existing landscape features;
 - The bearing of the proposals upon the existing highways and encouraging sustainable transport;
 - The impact of the development upon the amenity of established neighbouring uses;
 - The impact upon ecological interest;
 - The impact upon trees;
 - Whether the site is subject to flood risk and how surface water drainage will be dealt with; and,
 - The requirement for financial contributions.

2.2 Alongside this statement a series of other professional reports have been submitted. Where to be read alongside this statement this is cited in the text.

2.3 Within this statement reference is made to the following; appended to this document:

AB1 Decision Notice and Approved Masterplan relating to Application ref. H09-1325-06

AB2 Decision Notice and Approved Masterplan relating to Application ref. H09-0534-12

3.0 The Site and Surrounding Area

3.1 The application site lies within the service centre settlement of Holbeach, on its eastern side, enveloped by an existing context of residential development, some more historic to the north and modern estates to the south. The land has long been committed for residential development and has benefitted from outline planning permissions, but has yet to formally come forwards.

3.2 The application site measures approximately 6.2ha in area. The site sits approximately 600m-1km, from a range of services and facilities within the Holbeach town centre and just south of the primary local highway corridor the A17 (Newark to Kings Lynn). The site is currently accessed from Battlefields Lane (south) with the boundary open to the agricultural land on the northern edge of the site. There is also an existing point of access formed through the existing residential development to the south at Kings Road.

3.3 The site predominantly comprises agricultural land, with the exception of a strip of land which addresses Kensington Close, which has been left as grassland. The site is bounded by a range of treatments, comprising more domestic style fencing where bounding residential uses, but also existing native hedgerows and trees.

- 3.4 Being bound on three sides by existing residential development, the site is strongly related to the urban developed area of the settlement and it does not possess the typically rural character of arable land.
- 3.5 Those properties located to the north of the site along Battlefields Lane are comprised of former Council owned properties, which have over time been purchased and taken into private ownership. The properties are semi-detached pairs set over two storeys to their eaves with typical pitched roofs. Beyond those properties fronting the highway are further modern housing estates which have been constructed sometime thereafter. There is a section of the northern boundary of the site which remains undeveloped, comprising an open gap on to Battlefields Lane with no formal boundary treatment, and a relatively low-quality run of trees which extends eastwards towards the A17.
- 3.6 To the west of the site sit residential properties accessed from Marshlands Drive, St Catherine Court and All Saints Close. These dwellings back on to the application site with their rear garden amenity spaces abutting the fence line which forms the boundary to the site. The properties within these residential roads are a mix of single and two storeys in form, those addressing the application site primarily two stores and comprised of both semi-detached pairs and terraces of properties, all with modest gardens. The dwellings are typical estate housing in terms of their vernacular and material specification.
- 3.7 To the south is positioned a residential estate comprising various roads accessed from Foxes Low Road. The highway Kings Road provides a direct link from Foxes Low Road towards the application site and will comprise a principal point of vehicular access serving the application site. The road is lined on both sides by residential dwellings, with those closest to the application site comprising a pocket of three single storey bungalows. A significant part of the southern site boundary is comprised of an interface with Kensington Close, which is open to the site with residential dwellings facing towards it. There is an existing public footway which runs through the residential estate and extends up to Kensington Close which the Applicant will seek to pick up through the proposed development to provide pedestrian connectivity.

- 3.8 To the east is a parcel of scrubland which appears to be used for open storage. The land is separated from the application site by a native hedgerow, but this is open in places.
- 3.9 The site is sustainably located, in suitable proximity of services and facilities which will facilitate sustainable walking and cycling to avoid the need for use of a private car. There are also job opportunities at the nearby industrial estates and with the high street and the local primary school, Holbeach Primary is located approximately 1km from the site to the north-west.

4.0 Planning History

- 4.1 The lawful use of the land remains at this time for agricultural purposes. The site has however benefitted from several separate outline planning permissions for residential development comprising up to 185 dwellings.
- 4.2 Consent was originally granted for the site on 7th December 2009 under application ref. H09-1325-06. The development was described at this time solely as 'Residential Development' with no specific dwelling number specified. The details submitted to the Council at this time were lightweight and as a result a range of conditions were imposed to secure the submission of further technical work and reports to ensure that the development would be acceptable. The Decision Notice and Approved Masterplan are appended at **AB1** for reference.
- 4.3 This grant of outline permission was not subject to a reserved matters application during the required timeframe and thus lapsed on 7th December 2012.
- 4.4 Prior to the original permission lapsing, a new Outline Planning Application was made on 29th June 2012, under application ref. H09-0534-12, which sought to re-secure essentially the same planning permission with the same documents. The application description remained 'Residential Development', however the Application form confirmed that the proposal was for 185 dwellings of a mix to be determined.

- 4.5 Detailed engagement took place with the Council's Officers and Technical consultees, predominantly in respect of matters of drainage and flood risk, and highways. Both matters were however resolved to the satisfaction of consultees during the course of the consideration of the application.
- 4.6 There was a significant delay from the time of the submission of the application in June 2012 to its determination ultimately on 17th January 2018. A significant reason for this delay was issues with and negotiations relating to the s106 legal agreement. These were however finally resolved and a consent was able to be granted. The Decision Notice and Approved Masterplan are appended at **AB2** for reference.
- 4.7 As a result of various circumstances, the landowner has unfortunately run out of time to submit an application to discharge those matters which were reserved at the time of the previous grant of outline permission. The Applicant is, as a result seeking a new Outline Planning Permission for the site, as was the case in 2012.
- 4.8 It is however the Applicant's intention to seek to discharge those matters reserved as part of this application by way of appropriate application pursuant to a grant of outline consent to allow a material start to be made on the site and the development built out.

5.0 The Proposals

- 5.1 The Applicant is seeking consent to comprehensively develop the site through the erection of up to 185 No. dwellinghouses, with associated access, parking, landscaping and open space provision.
- 5.2 The application has been made in outline with the only matters for the Council's determination being (1) the principle and quantum of development, and (2) access. Those other matters relating to appearance, layout, scale and landscaping are reserved for later determination of the Authority at reserved matters stage.

- 5.3 Submitted in support of the application is an indicative masterplan which demonstrates how the site can be arranged in order to achieve an appropriate mix of units, public open space provision and both vehicular and pedestrian permeability through the development. This masterplan is not for determination at this stage, being indicative, but it confirms one possible arrangement of the development which would meet the allocated number of dwellings and the provisions otherwise of the Local Development Plan and Framework.
- 5.4 As a result of the location of the site enveloped by the existing urban area and within the settlement of Holbeach, the intention is to provide a density of approximately 30dph, which, in consistency with the Council's policy and the previous grants of outline planning consent, will deliver a scheme of up to 185 dwellings.
- 5.5 The application has been posed with a figure of up-to 185 dwellings, to allow for material considerations on site and any technical work which will be undertaken to inform the reserved matters scheme to have sufficient scope to change this number should this become necessary. We do not envisage that a reduction in numbers will be required, but it is prudent and proper planning to provide this flexibility.
- 5.5 The indicative scheme provides a suggested arrangement of the roads through the scheme, and confirms appropriately the orientation of the dwellings and from where they will be accessed. The scheme allows for a significant area of public open space, which is divided in to two main pockets, so that meaningful areas which can accommodate recreational activities are delivered. The Applicant sees little benefit in this being spread throughout the scheme resorting to inefficient or unusable spaces. The indicative scheme also incorporates landscaped buffers where appropriate to existing hedgerow and treeline features for the purposes of both ecological benefit and the future growth and development of the flora, and to the established pattern of development where necessary to provide appropriate amenity relationships.
- 5.6 The proposed mix of dwellings will be established at the time of any reserved matters application and the determination of the detailed matter of layout,

however the indicative masterplan before the Council proposes and approximate mix comprising:

- 10 No. 1 bedroom flats
- 10 No. 2 bedroom flats
- 46 No. 2 bedroom dwellings
- 92 No. 3 bedroom dwellings
- 27 No. 4 bedroom dwellings
- Total 185 Dwellings

5.7 The indicative mix complies seeks to comply with the results of the Council's Strategic Housing Market Assessment (SHMA) which confirms the need for family housing and accords with the Council's suggested housing mix policy 17. It should be noted however that the intention of the policy cannot be to impose an undue level of prescription such that it overrides consideration of market demands and local circumstances. The development thus comprises a mix of dwelling types that will address the housing needs of the community as a whole.

5.8 The development seeks to deliver a policy compliant provision of affordable housing, amounting to 25%, or approximately 46 units based on the figure of 185 dwellings, with any residential provision to be delivered by way of commuted sum.

5.9 With respect to the detailed matter of access, the proposals will see the primary access serving the site taken from Kings Road, along the southern edge of the site. There is an existing public highway which extends up to the application site which was put in place at the time of the development of the earlier estate north of Foxes Low Road, which was always intended to serve the future development of the application site. The Applicant has submitted a detailed Transport Assessment and had regard for historic and future traffic modelling as part of this technical report in determining that the site can be appropriately served from this primary point of access without risk of harm to highway safety or giving rise to highways consequences for the broader network which are severe.

- 5.10 A secondary point of access is provided for vehicular purposes from Battlefields Lane (south) at the northern end of the site. This access is proposed to serve only a small pocket of residential dwellings and will sit separate from the main public highways through the site to avoid the creation of a through route. Alongside this, the scheme proposes a series of dwellings to be accessed directly from Battlefields Lane, in order to continue and complete the street scene and avoid a pattern of development which turns it back to the lane.
- 5.11 The development also seeks to deliver an emergency point of access, which will be shared with pedestrian and cycle movements, from Battlefields Lane, which will link with the main estate road through the site. At the time of the previous outline permission, the Council imposed a planning condition (Condition 13) seeking to prevent the creation of a through route from Battlefields Lane to Kings Road. The application now before the Council thus seeks to hold this aim by providing an emergency through route only, with the development served primarily from Kings Road. This will prevent a rat-run being created to the A17.
- 5.12 The indicative masterplan provides sufficient detail at this stage of the Council to consider those matters before it for consideration and is supported by appropriate technical reports detailing with matters of highways, ecology, trees and drainage and flooding which support this strategy.

6.0 The Development Plan

- 6.1 The Local Development Framework is comprised of the South East Lincolnshire Local Plan (2019) and the additional guidance set out within the Council's Supplementary Planning Documents (SPDs). In adopting the Local Plan, the Council superseded all previously saved policies of the South Holland District Local Plan (2006). This document is thus no longer relevant to planning applications and decision making.

- 6.2 The South East Lincolnshire Local Plan (2019) (the Local Plan) sets out the framework for development within the plan area for the 25-year period from 2011 to 2036. It is noted however that the Local Plan was not adopted until March 2019. The plan provides both the overarching strategic policies and development management policies to direct development across the plan area.
- 6.3 Policy 1 of the Local Plan sets out the Council's spatial strategy. Holbeach is listed within this policy as a main service centre. Within such settlements the Council confirm that development will be permitted that supports their role as service centres and to help sustain existing facilities and services. This includes strategic level housing growth.
- 6.4 Policy 2 sets out the overarching development management considerations which will need to be considered in the frame of any application for planning permission. The policy provides a list of matters comprising:
1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
 2. quality of design and orientation;
 3. maximising the use of sustainable materials and resources;
 4. access and vehicle generation levels;
 5. the capacity of existing community services and infrastructure;
 6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
 7. sustainable drainage and flood risk;
 8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets; and
 9. impact on the potential loss of sand and gravel mineral resources.
- 6.5 Policy 3 seeks to direct the design of new development to ensure that proposals create distinctive places through the use of high quality and inclusive design. Proposals should respect local character and contribute to the quality of the area to create an appropriate sense of place. The policy sets out a list of points which it will seek to be addressed within the scope of proposals, which predominantly comprise good planning and urban design objectives.

- 6.6 Policy 4 sets out the Council's approach to flood risk. The policy states that development within an area at risk of flooding will be permitted where it can be demonstrated that there are no other sites available at lower risk of flooding through application of the sequential test. The policy however confirms that the sequential test is not required when considering sites allocated within the Local Plan. It will be necessary for applications to be supported by site specific flood risk assessments which consider the risk from all sources of flooding and take account of climate change. Within sites which are greater than 1ha in area, it is also necessary to demonstrate how surface water generated by the development will be managed.
- 6.7 Policy 5 of the Local Plan seeks to ensure that new development is appropriately supported by physical and service infrastructure to ensure that the needs of the development will be met. The Council have cited the need for specific new infrastructure or extensions/enhancements to existing provision in relation to some strategic development sites. With respect to Holbeach, the policy notes that there may be a need for contributions towards extensions to the existing primary school provision. Any infrastructure contributions sought should be proportional and related to the development proposed.
- 6.8 Policy 6 sets out the Council's approach to developer contributions. The policy confirms that developments which exceed 11 dwellings or 1000sqm of floorspace will be expected to mitigate their impacts upon services, infrastructure and the environment. Contributions will be sought towards the provision of local and strategic infrastructure and services having regard for the specific needs of the proposed development, viability, and local and strategic level priorities. This will include, education, transport and affordable housing contributions amongst others where reasonably required and related to the development in question in accordance with Paragraph 56 of the Framework.
- 6.9 Policy 10 sets out the overarching objectively assessed housing need for South East Lincolnshire that the partner authorities will need to address. With respect to South Holland, the need is for 11,681 dwellings (467 per annum) across the adopted plan period.

- 6.10 Policy 11 provides a proposed distribution of new housing development across the plan area. This includes approximately 2202 dwellings for Holbeach. These figures are not an upper limit, but rather a minimum to meet the assess needs of the combined authority areas. The policy lists those sites which have been specifically allocated for housing development, which includes 'HOB032' Land off Battlefields Lane, the application site.
- 6.11 The application site is allocated for the delivery of approximately 185 dwellings. The policy does not provide any further specific detail on the objectives for the strategic site, or specific policy requirements. Policy 11 is an overarching policy which seeks only to distribute development.
- 6.12 Policy 17 sets out the Council's approach to the delivery of a mix of housing which is appropriate to meet the long term needs of the plan area and maintain mixed, inclusive and sustainable communities. There is greatest demand for two and three bedroom houses in both the market and affordable sectors, with also a need for 1 bedroomed dwellings in affordable tenure. The policy does not provide any further specific details on the distribution of housing types which should be sought from new development.
- 6.13 The supporting text to Policy 17 at paragraph 5.9.2 confirms the conclusions of the Strategic Housing Market Assessment (SHMA) which was undertaken to inform the plan. The SHMA identifies that approximately 80% of new homes provided should be two or three bedroom homes(approximately 30% 2 bedroom and 50% 3 bedroom). Alongside this the need for 4 bedroom homes is approximately 15% of the supply. The need for affordable housing within these dwellings sizes tends towards the smaller unit, with additionally approximately a need for 30% of affordable units to be 1 bedroom properties. The mix of dwellings provided on site should however appropriately respond to local and site specific circumstances, as well as the demands of the market.
- 6.14 Policy 18 of the Local Plan provides the Council's approach to the delivery of affordable housing as part of development schemes. The Policy confirms that 25% of all developments of 11 dwellings and above will be sought as affordable. Within the affordable housing provision, the Council propose a

70/30 tenure split with 70% provided for affordable rent and 30% as intermediate housing; whether starter homes, shared ownership or other.

- 6.15 The policy makes clear that provision will be sought on site, unless there are specific circumstances, supported by development viability or otherwise which demonstrate that it would be impractical to make such provision on site.
- 6.16 Policy 28 of the Local Plan directs the need to ensure that the natural environment is protected and enhanced. This includes ensuring that designates sites are protected and the impacts of development upon these sites are appropriately mitigated. Proposals which would directly or indirectly harm protected sites will not be permitted unless the benefits of the development outweigh the adverse impacts and suitable mitigation, or compensation can be achieved.
- 6.17 Policy 28 supports the need to deliver a net gain in biodiversity on sites through addressing gaps in the ecological network and minimising the fragmentation of habitats. This includes converting beneficial features on sites and where possible delivering enhancements.
- 6.18 Policy 30 provide direction on the matter of pollution. The policy directs that the Council will not permit development which, taking account of proposed mitigation measures, would lead to unacceptable adverse impacts upon health and safety, amenity or the historic and natural environment through harm to air quality, noise, light pollution or ground and water borne pollution. Development proposals will be expected to consider the impact upon air quality and the amenity of existing uses.
- 6.19 Policy 31 directs that all development proposals will be required to demonstrate consideration of the consequences of climate change through appropriate design, prudent use of resources, appropriate flood mitigation and drainage strategies, supporting sustainable travel and incorporating opportunities to enhance green infrastructure and biodiversity.

- 6.20 Policy 32 expects that developments contribute towards social cohesion, inclusive communities and health and wellbeing by providing appropriate connected areas which take account of pedestrian permeability and create environments which are safe and accessible and discourage crime. The policy sets out in detail standards for the provision of community infrastructure elements and facilities where a development calls for the delivery of such provision. These requirements relate to a more substantial strategic scale of development in the main, but some sites may require specific infrastructure elements having regard for local circumstances.
- 6.21 Policy 33 of the Local Plan seeks to enhance connectivity and deliver a more sustainable transport network, through ensuring appropriate connections are delivery which mitigate congestion and enhance local accessibility. With respect to cycling, walking and other sustainable transport methods this means protecting existing public routes and creating new routes.
- 6.22 Policy 36 provides the Council's approach to the delivery of vehicle and cycle parking. All new development is expected to provide parking in accordance with the Council's minimum parking standards. This includes providing parking which is fit for purpose and balanced provision of allocated and communal parking within major developments. It is also necessary to ensure that each dwelling is provided with secure space to store at least two bicycles, or communally in the case of flatted development.

7.0 National Planning Policy Framework

- 7.1 The Government released the new National Planning Policy Framework (2019), which came into force; in replacement of the NPPF (2018), on 19th February 2019. The Government is in the process of updating Planning Practice Guidance to reflect the changes made to the Framework.
- 7.2 The NPPF explains (at paragraph 7) that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8

explains that there are three overlapping dimensions to sustainable development:

- An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- A social objective– to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.3 Paragraph 9 provides clarification that the three objectives should be delivered through the preparation and implementation of plans and the application of policies in the Framework; however, they are not criteria against which every decision can or should be judged.

7.4 Policies and decisions should play an active role in guiding development to sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

7.5 Paragraph 11 of the NPPF states clearly that plans and decisions should apply a presumption in favour of sustainable development.

- 7.6 In respect of decision making Paragraph 11 confirms that LPAs should approve proposals which accord with the development plan without delay; or, where a development plan is absent, silent or relevant policies are out of date, planning permission should be granted; unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or the specific policies listed at *Footnote 6* provide a clear reason for refusing the development proposed.
- 7.7 Paragraph 11 therefore infers that where a development plan is silent, absent or policies are out of date, planning permission should be granted unless any adverse impacts significantly and demonstrably outweigh the benefits. This includes weighing those specific policies mentioned at Footnote 6 as part of the balancing exercise and not separate to it. The ‘tilted balance’ is of particular relevance to this application; made in the context of the Council’s absence of a 5-year housing land supply.
- 7.8 Whilst the presumption in favour of sustainable development is now set out at Paragraph 11 of the new Framework, the function and wording of the policy has not changed in any fundamental manner. The inference remains the same, however clarity has been provided over the list of exceptions set out at Footnote 6, which now represents a closed list.
- 7.9 It is still relevant therefore to have regard to the correct application and interpretation of this policy. When this policy took the form of Paragraph 14 of the NPPF (2012), this matter was presided over by the Supreme Court in *Hopkins*¹. The judgement confirmed that once one was in a position where Paragraph 14 applied then the decision maker must weigh all considerations in the planning balance, with the presumption in favour of granting planning permission (the tilted balance) unless material considerations indicate otherwise; this includes whether other policies in the framework indicate that development should be restricted and those policies of the NPPF and Local Development Plan referred to by what was then Footnote 9 (now Footnote 6).

¹ Suffolk Coastal District Council v Hopkins Homes Ltd and Another and Richborough Estates and Another v Cheshire East Borough Council [2017] UKSC 37

The point is that these policies do not override the need to consider the presumption in favour of development but are however in principle capable of significantly and demonstrably outweighing the benefits in the planning balance, assessed on a case specific basis.

- 7.10 The application of Paragraph 11 should therefore continue to follow the direction of the Supreme Court's judgement.
- 7.11 Paragraph 12 confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission should not usually be granted. LPAs can however depart from an up to date plan if material considerations in a particular case indicate that the development should be allowed.
- 7.12 Section 4 of the NPPF sets out the Government's direction on the approach which LPAs should take to decision making and the value of early and proactive engagement where possible in order to resolve issues at an early stage.
- 7.13 Paragraph 38 of the NPPF states that LPAs should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available to work proactively with Applicants to secure development which will improve the economic, social and environmental conditions of the area; development which is sustainable should be approved.
- 7.14 Paragraph 47 confirms the requirement in planning law for applications to be determined in accordance with the development plan unless material considerations indicate otherwise. Decisions should be made as quickly as possible within statutory timescales unless a longer period has been agreed with the Applicant.
- 7.15 Paragraph 55 states that planning conditions should be kept to a minimum and only imposed where they meet the relevant tests, as defined by the Planning Practice Guidance. Agreeing conditions early is beneficial to all parties in the

process and can speed up decision making. The policy reconfirms the update to the Town and Country Planning Act 1990 which require that LPAs seek written agreement from Applicants to pre-commencement conditions before these are imposed. The policy directs that there should be avoided unless there is clear justification.

- 7.16 Paragraph 56 of the Framework confirms that planning obligations should only be sought where they are (a) necessary to make the development acceptable in planning terms, (b) directly related to the development, and (c) fairly and reasonably related in scale and kind to the development.
- 7.17 Section 5 of the NPPF provides the Government's approach to the delivery of a sufficient supply of housing.
- 7.18 Paragraph 59 requires that, in order to support the Governmental objective of significantly boosting the supply of homes, sufficient amount and variety of land comes forwards where it is needed so that the needs of groups with specific housing requirements are addressed and that land which has permission is developed without delay.
- 7.19 Paragraph 64 states that where major development involving the provision of housing is propose, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.
- 7.20 Paragraph 68 acknowledges the important contribution that small and medium sized sites can make to meeting the housing requirement of an area and are often built out relatively quickly. Councils are advised to support the development of windfall sites through their decisions.
- 7.21 Paragraph 73 makes clear that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate

of development for specific sites. LPAs should identify and update annually a specific supply of deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than 5 years old; which should include the appropriate buffer.

- 7.22 Paragraph 75 states that in order to maintain the supply of housing, LPAs should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the LPA's housing requirement over the previous 3 years the authority should prepare an action plan in line with national planning guidance.
- 7.23 Section 8 of the NPPF provides the Government's approach to promoting healthy and safe communities.
- 7.24 Paragraph 91 states that policies and decisions should aim to achieve healthy, inclusive communities and safe spaces, including promoting social interaction through design, enabling and supporting healthy lifestyles and ensure developments are safe and accessible.
- 7.25 Paragraph 92 states that to provide the social, recreational and cultural facilities and services that the community needs, policies and decisions should (a) plan positively for the provision and use of shared spaces, community facilities and other services to enhance the sustainability of communities and residential environments, and (e) ensure an integrated approach to considering the location of housing, economic uses and community facilities.
- 7.26 Paragraph 96 makes clear that access to a network of high-quality open spaces and opportunities for sport and recreation is important for the health and wellbeing of communities.
- 7.27 Paragraph 98 indicates that policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for uses.

- 7.28 Section 9 of the NPPF provides the Government's approach to promoting sustainable transport.
- 7.29 Paragraph 102 suggests that transport issues should be considered at the earliest stage of plan making and development proposals to ensure that impacts of development on transport networks can be addressed and opportunities to promote walking, cycling and public transport can be identified and pursued. Paragraph 103 continues that the planning system should actively manage patterns of growth in support of these objectives. Significant growth should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering choice of transport. However, opportunities to maximise sustainable transport modes will vary between urban and rural locations and this should be taken into account in plan making and decision taking.
- 7.30 Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 7.31 Section 11 of the NPPF makes clear the need to make efficient use of land.
- 7.32 Paragraph 117 requires policies and decisions to promote the effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 7.33 Paragraph 118 indicates that policies and decisions should encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains, such as developments which improve public access to the countryside.
- 7.34 Paragraph 122 indicates that policies and decisions should support development that makes efficient use of land, taking in to account (a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it; (d) the desirability of

maintaining an area's prevailing character and setting, and (e) the importance of securing well-designed, attractive and healthy places.

- 7.35 Paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site.
- 7.36 Section 12 of the NPPF sets out the policy approach for achieving well-designed places.
- 7.37 Paragraph 124 indicates that the creation of high-quality buildings and places is fundamental to planning and development. Good design is a key aspect of sustainable development.
- 7.38 Paragraph 127 reinforces that policies and decisions should ensure that developments will (a) function well and add to the overall quality of the area, not just for the short term, but for their lifetime, (b) are visually attractive as a result of good architecture, layout and appropriate landscaping, (c) are sympathetic to character and history, without stifling innovation or change (d) establish a strong sense of place, (e) optimise the potential of the site in terms of the amount and mix of development and (f) create places that are safe, inclusive and accessible.
- 7.39 Paragraph 130 indicates that permission should be refused for poor design that fails to take account of opportunities for improving the character and quality of an area and the way it functions; having regard for local design standards and SPDs. Where the design of development accords with the expectation of policies, design should not be used as a valid reason to object to development.
- 7.40 Section 14 of the Framework sets out the policy approach to meeting and addressing the challenges of flooding and climate change.

- 7.41 Paragraph 149 confirms that policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change, including providing space for physical prevention measures where needed.
- 7.42 Paragraph 150 states that new development should be planned for in ways that avoid increased vulnerability to the impacts of climate change and ensure that where development is brought forwards in areas which are vulnerable ensure that risks can be managed through suitable adaptation measures, including through planning of green infrastructure.
- 7.43 Paragraph 153 is clear that applications should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 7.44 Paragraph 155 seeks to direct inappropriate development away from areas at highest risk of flooding. Where however development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 7.45 Paragraph 158 confirms that the purpose of the sequential test is to steer new development to areas at the lowest risk of flooding.
- 7.46 Paragraph 159 continues that if it is not possible for development to be located within zones at lower risk of flooding then the exception test may need to be applied. The need for the exception test will depend on the vulnerability of the site and the need for development proposed, in line with the flood risk vulnerability classification set out in national policy.
- 7.47 Paragraph 160 states that the application of the exception test should be informed by a site specific flood risk assessment. For the exception test to be passed it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk and that the development will be safe for its lifetime taking account of the vulnerability

of its uses, without increasing flood risk elsewhere. It is confirmed at Paragraph 161 that both parts of the exception test must be fulfilled.

- 7.48 Paragraph 162 confirms that where applications come forwards on sites allocated in the development plan, Applicants need not apply the sequential test again. The exceptions test however may need to be applied if aspects of the proposal had not been considered when the sequential test was applied at plan making stage, or more recent information about existing or potential flood risk is taken in to account.
- 7.49 The Applicant has been in contact with the Environment Agency in order to acquire the latest flood risk data for the area to ensure that the exceptions test can be undertaken in accordance with the most up to date information and demonstrate the acceptability of the development.
- 7.50 Paragraph 163 confirms that applications should be supported by a site specific flood risk assessment where appropriate. Development should only be allowed in areas at risk of flooding where it can be demonstrated that:
- The most vulnerable development within the site is located in areas of lowest flood risk unless there are overriding reasons a different location is preferable;
 - The development is appropriately flood resistant and resilient;
 - It incorporates SUDS unless there is clear evidence that this would be inappropriate;
 - Any residual risk can be safely managed; and,
 - Safe access and escape routes are included where appropriate as part of an agreed emergency plan.
- 7.51 Paragraph 165 states that major developments should incorporate SUDS unless there is clear evidence that this would be inappropriate.
- 7.52 Section 15 of the NPPF sets out the policy approach to conserve and enhance the natural environment.

- 7.53 Paragraph 175 states that when determining applications LPAs should apply the following principles (a) if significant harm to biodiversity would result from development which cannot be mitigated or compensated permission should be refused, and (d) opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where delivering net gains.
- 7.54 Paragraph 178 indicates that policies and decisions should ensure that sites are suitable for their proposed use taking account of ground conditions arising from land stability and contamination; ensuring adequate investigation and information is prepared by competent persons to inform assessments.

8.0 Planning Considerations

- 8.1 Planning legislation requires that planning applications and appeals must be determined in accordance with the Development Plan unless material considerations indicate otherwise or the policies contained within the plan are inconsistent with the provisions of the NPPF.
- 8.2 Additionally, if the relevant policies are considered out of date, for whatever reason, then the second bullet point of Paragraph 11 of the National Planning Policy Framework (2018) becomes engaged and planning permission can be granted unless there are adverse impacts and only then if these are such that they significantly and demonstrably outweigh the benefits of the proposals.
- 8.3 As such the Local Plan is therefore the starting point for decision making. Proposed development which accords with an up to date Development Plan should be approved without delay. Proposals need to be assessed against the Development Plan as a whole. If proposals accord with the majority of policies but there is friction with others, then the Council must consider what weight is to be attached to the various objectives and policies to which the proposals accord and to the features that cause friction with others. Notwithstanding this, if any infringement of policy, minor or otherwise, can be offset by the use of other measures then these should be used rather than a refusal of planning

permission which could otherwise have been allowed. Clearly it is up to the decision maker what weight needs to be attached to particular matters; the decision maker will however have to demonstrate that their approach is well considered, justified and reasonable in all other respects.

Principle of the Development

- 8.4 The application before the Council seeks consent to develop a parcel of land for residential purposes which is formally allocated for residential purposes within the South-East Lincolnshire Local Plan. There is therefore as a matter of fact no issue with the principle of the development and proposed use.
- 8.5 The scheme before the Council seeks consent to erect up to 185 dwellings houses of a mix of size and tenure. The housing mix will be focussed towards the delivery of family housing with a strong weighting towards the delivery of three bedroom family homes, but also two and four bedroomed dwellings in both market and affordable tenure. The scheme will deliver a range of dwelling types with an indicative mix set out at *Section 5* of this statement. The Applicant has had regard for the Council's Strategic Housing Market Assessment (SHMA), which informed the local plan in devising the suggested mix, which will meet the requirements of the community as a whole and provide a public benefit.
- 8.6 There is no specific policy direction determining what is expected to be delivered from the site beyond an overarching figure of approximately 185 dwellings. The proposals are posed for up to 185 dwellings, to allow for appropriate flexibility at detailed application stage.
- 8.7 With little policy direction in respect of this allocation, the Applicant has sought to deliver a scheme which makes best and most effective use of the site in accordance with the direction of Paragraph 122 of the NPPF and had regard for the previous grant of outline consent for the site and the discussions had with the Council's consultees.

- 8.8 The Council will be well aware that it has previously granted planning consent on the site for 185 dwellings. This is also the figure expressed within the Local Plan that is expected to be delivered by the development plan. Whilst the South East Lincolnshire Local Plan has been adopted since the time of the previous grant of outline consent in January 2018, there has been no material change in the policy context which suggests that a different approach to the development is reasonably required.

Impact upon the Character of the Area and Landscape

- 8.9 The application site comprises a pair of fields with associated scrub land which have long been allocated for the purposes of housing development within the Local Development plan. The fields comprise at present an odd gap within what is otherwise a developed area of firmly residential character.
- 8.10 Much of the other land, contiguous to the site which was also formerly allocated for residential development has since been built out. The site represents an anomaly in this context, and its development for residential purposes will enable the land to be comfortably assimilated into the existing urban area.
- 8.11 There is a hard boundary formed to the existing pattern of development by the A17 to the east. Infilling this land parcel will draw the urban area out towards this boundary, with the land beyond having a more open countryside character.

Layout

- 8.12 The layout of the scheme now proposed has been largely directed by the physical and technical constraints of the site. The Council will note that the detailed matter of 'Layout' is not for the Council's determination at this time, however it is appropriate to set out the rationale for the indicative masterplan which has been submitted in support of this application.

- 8.13 The indicative masterplan shows the built development proposed on site split into three character areas; comprising:
- (A) High density development, terraced forms and flatted blocks at around 40-45dph
 - (B) Medium density development, comprising 2-3 bedroom demi-detached and detached units at around 30dph
 - (C) Lower density development comprising 3-4 bedroom semi-detached and detached properties at around 25dph
- 8.14 These character areas are arranged about the site having regard for the contextual development adjoining it, considering factors such as, the length of gardens, the quality and nature of existing boundary screening, the scale of the properties and their outlook and the opportunities for new boundary treatments and landscape features. There are two main pockets of higher density development, positioned where it will be most discrete, having regard for these factors. The majority of the scheme will sit within the medium density bracket, and some lower density pockets are positioned on the fringe of the site to provide a mix of property types within the development and break up the scheme. The development has had appropriate regard for Policy 17 of the Local Plan in devising the proposed mix. The proposals will see properties arranged to front Battlefields Lane to continue the street frontage where there is an established open gap and to ensure that the development does not turn its back to the existing pattern of development inappropriately.
- 8.15 Consideration has been given to the existing public rights of way on the periphery of the site and the need to provide links between public spaces to enhance their attractiveness and use. The proposal seeks to continue the pattern of 'bubbles' of public space formed between Kings Road and Kensington Close, to provide an attractive walking route. The area of open space on the application space is much larger, to provide a more usable and functional area for residents and day to day recreational activities. Open Space on the site generally has been split to provide two main areas; one at the eastern end of the site and one at the western end. This approach allows for two meaningful spaces which will best serve residents' needs. Spreading this space out further through the scheme would only diminish its value and

recreational function. The open spaces will be dual function, providing for the recreation needs of future residents, but also incorporating the drainage infrastructure necessary to deal with the surface water run off from the site in the case of an exceptional storm event. The open spaces will have a suppressed land level, in comparison to the surrounding residences, with gently sloped sides to facilitate their function as attenuation basins in the case of such an exceptional flooding event. They will remain however of high amenity value and fully function in normal weather events. The open space proposed at the eastern end of the site is arranged to allow for connection with any future development to the east; on the roughly triangular parcel of scrubland which is also allocated for residential purposes. Dwellings on the site will be arranged to provide some frontages towards and overlooking the public open spaces to ensure they are appropriately surveilled and safe environments for the public.

- 8.16 The proposed road network through the site has been arranged having regard for an intention to direct movements through a single main access from Kings Road to the south. This will form the spine road through the site, with smaller arterial roads spurring off from this, servicing individual pockets of dwellinghouses. The Applicant has taken note of the requirement, as defined by Condition 13 of the previous outline consent ref. H09-0534-12, to ensure that there is no through route provided from Battlefields Lane to Kings Road. The proposals see an emergency access provided, which will be bollard controlled and of narrowed form such that it does not support typical traffic movements. This access will also provide a pedestrian and cycleway connection.
- 8.17 With respect to the pedestrian and cycling framework, the development has been arranged to continue existing footway links into the surrounding residential area, principally allowing for easy movement southwards towards Foxes Low Road, and onwards to the west towards the services and facilities within the local centre. Links are also provided northwards, towards Battlefields Lane, providing the more direct route to local education provision. The Applicant has also had regard for future connectivity that could be formed to the east with that undeveloped land parcel.

- 8.18 The Council raised no issue with the layout of the earlier scheme in granting consent and there is no reason to dissent from that position now. There has been no material change in the circumstances of the properties surrounding the site since the time of the earlier application and no material change in the direction of the Council's policies which still require appropriate consideration to be given for context and local character and all other standard development management considerations.
- 8.19 The scheme is more resolved than at the time of the previous outline application, with the Applicant having had particular regards for the physical and technical constraints of the site, with a view to a detailed stage application.

Scale, Massing and Design

- 8.20 Matters of 'Appearance' and 'Scale' are also not for the Council's consideration at this time. It is relevant for the Local Authority to understand however what the Applicant's intentions are in this respect.
- 8.21 Having regard for the technical challenges of this site; particularly in respect of the location of the site within the flood zone, it will be necessary for parts of the site to be raised as part of the development, this approach will affect the scale of development, but ensure that properties are appropriately flood resilient. The Applicant will be seeking predominantly to provide two storey dwelling house as a result in order to ensure that the exceptions test can be appropriately addressed, and properties are resilient. It will be possible to provide some single storey dwellings where the land has been raised out of the flood zone and these will be positioned in an appropriate location within the scheme to take account of relationships with other development where a more diminished scale of dwelling is deemed more appropriate.
- 8.22 It will be important to provide some variation in the scale of properties to provide a mixed community and one which caters for the population demographic as a whole, in terms of opportunities to downsize and properties which are more flexible and accessible.

8.23 With respect to the design and appearance of the dwellings, it will be the intention to provide a product which embodies modern building techniques and efficiency to provide high quality homes that meet modern living expectations, but with a design style which can be comfortably assimilated into the local urban area. Properties surrounding the site are in the main of a more traditional form, with the development to the south of the site at Kensington Close and Kings Road comprising brickwork or render elevations, some with banding or eaves details, set beneath a tiles roof, with a regular pattern of fenestration. The older development to the west at Marshlands Drive is simpler in its form, with plain brickwork elevations, and that to the north at Battlefields Lane, is similarly simple in its appearance. There is no outstanding design vernacular locally, but rather a simple palate that the proposed development will be able to comfortably assimilate into, but there are opportunities for raising the standard of design with appropriate innovation.

8.24 The scheme will retain a sense of openness within the street scene, which is seen in the surrounding roads, with properties set back from the public highway with modest defensible private frontages, facilitating soft landscaping and planting each property also will have a private garden amenity space which will meet day to day recreational needs of residents. Alongside the public open space provision on the land, the development will have a pleasant character and an appropriate sense of place which is consistent with the character of this part of Holbeach settlement.

Summary

8.25 There is no reason for the Council to come to a different view in respect of this application than it reached at the time of the previous approval. The proposals before the Council, whilst still in outline, are significantly further resolved than at the time of the previous application and the Applicant will be seeking to provide full details of the proposed scheme at reserved matters stage as part of a later planning process to achieve an implementable planning consent.

- 8.26 There are no grounds, in respect of character to object to the application which is well considered and justified at this initial stage and accords with Policies 2, 3 and 32 within the Local Development Plan and the design policies of the Framework in delivering high quality design in a sustainable location which will deliver a positive and accessible neighbourhood.

Impact upon Neighbour Amenities

- 8.27 The Council will appreciate that the application before it at this stage is made in outline, with layout not a matter for its determination. The Applicant has had regard for the expectations of Policy 2 in needing to have regard for the amenity of other properties and uses surrounding the development site. As has been set out, the indicative layout has been devised with one eye on the need to ensure that the amenities of the neighbouring residential properties are protected, and that a good standard of living amenity is provided for future residents.
- 8.28 The Council will be able to consider this matter in detail at the reserved matters stage when a detailed scheme is before it, however at this stage it is reasonable to conclude that the development as proposed is shown to be arranged in a manner which will allow for appropriate screening and mitigation where it is required to preserve amenity and separation distances between built forms which are appropriate to ensure that there will be no unacceptable overlooking or overbearing. There is no barrier to a detailed scheme, based on this outline stage proposal, ensuring that there will be no unacceptable harm and no conflict therefore with the Local Development Plan in this respect.

Impact upon the Highway Network

- 8.29 The proposals before the Council will result in the development of a vacant parcel of land, within the existing development boundary, which has been allocated for the purposes of housing development for a significant period of time but has not formally come forwards and been delivered.

- 8.30 The site is enveloped by the existing urban area and is well served by potential access opportunities both in vehicular and pedestrian terms.
- 8.31 The Application is supported by both a Transport Assessment (TA) and Travel Plan (TP) prepared by Paul Basham Associates. The TA discusses the number of movements which will arise from the development, the existing conditions of the neighbouring highways in terms of their capacity and relationship with the site, and the bearing that the development proposed would have upon the local road network to conclude whether or not this would result in highways impacts which are severe or result in a risk to highway safety.
- 8.32 The TA concludes that the existing road network is more than capable of accommodating the movements which will arise from the development, which will represent a nominal increase in the number of vehicles using the local junctions each minute such that there will be no material increase in queueing or congestion and not consequences that are severe. In accordance with the direction of Paragraph 109 of the Framework therefore, there is no direction that the development is unacceptable in highways terms.
- 8.33 Paul Basham Associates engaged with Lincolnshire County Council (LCC) Highways Authority through pre-application discussions in order to discuss the conclusions of the assessments undertaken at the time of the earlier grants of planning permission and the proposed modelling strategy employed in support of this application. No concerns or issues were raised other than to note the restriction of Condition 13 of planning approval ref. H09-0534-12 which seeks to prevent the provision of a through route on the site from Kings Road to Battlefields Lane.
- 8.34 The Applicant has taken note of this requirement as imposed at the time of the previous grant of outline consent and has dealt with this through the proposed arrangement of the scheme to ensure that there is no through route, and only an emergency point of access provided.
- 8.35 The Travel Plan (TP) sets out how through the design of the development and through appropriate monitoring and management which will happen in the

years pursuant to its construction, the Applicant will be seeking to encourage the use of sustainable transport methods, in order to minimise movements by private vehicle. The TP sets out a range of methodologies which are commonly employed in development, such as promoting car sharing to reduce the number of vehicles on the road, and promoting the use of sustainable methods for short trips and bus and other transit options where these exist.

- 8.36 The TP confirms that the site is sustainably located, and that services and facilities are in an appropriate distance of the site to facilitate walking and cycling. There are also bus links within what is noted to be a preferred distance from the site, within 800m, which is sufficient to promote their use.
- 8.37 There has been no material change in the planning policy position since the time of the grant of the previous outline planning consent to suggest that a different approach is justified or that there are material considerations which indicate that the access strategy proposed is unacceptable. The proposals have considered in full the ability for the local road network to accommodate the development and the access strategy has been formed in view of the traffic modelling undertaken to ensure that it is appropriately justified and acceptable.
- 8.38 In accordance with the direction of the Local Development Plan and the Framework, there are no highways reasons which suggest that permission should not be granted.

Drainage and Flood Risk

- 8.39 As the Council will be well aware, the application site is located within Flood Zone 3a. The Council will also be aware that Flood Zone 3 covers almost the entirety of Holbeach settlement, and indeed a significant area of South Holland Authority as a whole. This flood risk arises from risk of a 1 in 200 year tidal flooding event from The Wash estuary. There is some limited surface water risk across parts of the site; but this will be appropriately dealt with through the proposed surface water drainage strategy.

8.40 In view of the significant flood risk pressures that exist within the Local Authority Area, the Council have acknowledged that, in order to deliver development, it will be necessary to develop within areas which are subject of risk and the Council has, as a result, put in place significant tidal flooding defences along The Wash estuary.

8.41 It is important to note that the site is formally allocated within the Local Development Plan and it is considered deliverable within the Council's Strategic Housing Land Availability Assessment (SHLAA) (2018). Planning Practice Guidance (PPG) confirms that:

The Sequential Test does not need to be applied for individual developments on sites which have been allocated in development plans through the Sequential Test.

8.42 In allocating sites for development, the South East Lincolnshire Local Plan was subject to a detailed SFRA, and undertaking of the sequential test in order to consider which sites could reasonably be released for housing development. There is no need therefore for this test to be undertaken again. The Applicant instead needs to consider only the provisions of the Exceptions Test and demonstrate that the site is capable of being made flood resilient as a result. This is confirmed by Policy 4 of the Local Plan.

8.43 Paragraph 160 of the Framework states that the application of the exception test should be informed by a site-specific flood risk assessment. For the exception test to be passed it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk and that the development will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere. It is confirmed at Paragraph 161 that both parts of the exception test must be fulfilled.

8.44 The Council last undertook a detailed Strategic Flood Risk Assessment (SFRA) in 2017. The AFRA predicts that flooding of the site could occur in the future due to:

Climate change, particularly associated with the predicted effects on sea level rise, brings an increased likelihood of flooding that could be a danger to life affecting whole settlements. Such an extreme consequence would come about as a result of the highest tides (predicted to be common in 100 years time) coupled with storm surge conditions causing major breaches in coastal/tidal defences.

- 8.45 The South East Lincolnshire Local Plan confirms the flood zone designation of the site and that a flood hazard is identified in 2115, which suggests a possible flood depth of 1.0m. It is necessary therefore that new development includes appropriate mitigation to respond to this predicted event.
- 8.46 The Local Plan therefore seeks for existing site levels, where built development is to be sited, to be raised by a minimum of 1.0m in order to provide appropriate mitigation for future flood risk.
- 8.47 The Applicant has instructed the services of Paul Basham Associates to prepare a Flood Risk Assessment (FRA) and Drainage Strategy (DS) to support the application. The FRA considers the site conditions, and the up-to-date modelling information from the Environment Agency to consider the extent of mitigation required in order to ensure that the development proposed can be made suitably flood resilient. It must be noted that the site currently benefits from no specific positive drainage infrastructure and the development will lead to an enhancement in this respect in introducing appropriately designed features.
- 8.48 Drainage from the development cannot be dealt with via infiltration. This is as a result of the specific ground conditions, which British Geological Survey (BGS) data confirms is comprised of clay deposits atop a clay bedrock. It will be necessary therefore for a more engineered solution which will comprise a series of attenuation ponds, which are designed to accommodate surface water runoff in the event of a 1in100 year storm event, plus 40% to account for climate change. The catchment areas on site will discharge to the existing local drainage infrastructure, the Foxes Low Drain, which is maintained by the local

drainage board. The DS confirms that the discharge rate will be limited to Green Field run-off rates to avoid impact upon the system.

8.49 The attenuation basins on site will be located within the proposed public open space. These will be landscaped so as to still function as open amenity spaces, and they will be available and effective for public recreation at all times. In the case of a storm event, they will however be flooded; and will serve to hold and attenuate the storm water. It will be necessary for residents of the development to be aware of their function, but this is not a new concept, and one which has been seen to function successfully in housing schemes across the country. This approach will deal with surface water in the event of an exceptional event.

8.50 It is noted that, at the detailed design stage, the extent of the Public Open Spaces (POS) on site which will form part of the attenuation strategy is likely to decrease, with additional water storage areas likely to be available beneath areas of hardstanding, through the provision of swales along and beneath roads, and through the use of permeable pavements on site. There are no fundamental barriers to dealing with surface water generated by the development and it is possible to provide adequate capacity to mitigate in the event of an exceptional storm event. This however sits separately from the mitigation strategy to deal with the tidal flooding identified above.

8.51 As the Local Development Plan confirms, it will be necessary to raise the levels of the development on site; such that they provide protection for the proposed dwellings in the case of a flooding event caused by breach of the existing defences at The Wash estuary. In this case, it is recommended that the following occur:

- Site levels should be raised to at least 4.17m AOD
- Finished Floor Levels (FFLS) of the proposed dwellings shall be at a minimum of 4.32m AOB; sitting 150mm above the proposed site levels.

8.52 With the above mitigation put into effect, the dwellings will provide safe and suitable refuge in the case of an exceptional flooding event. It is noted however that there are additional measured which the Applicant's Consultant

recommends should be followed with respect to the construction of the proposed dwellings in order to provide additional resilience.

- 8.53 In accordance with the requirements of Paragraphs 160 and 161 of the Framework therefore, the Applicant has demonstrated that the development will deliver a sustainability benefit in the provision of safe and resilient dwellinghouses on an allocated site within the urban area; with new Public Open Space and pedestrian links which will deliver a sustainable pattern of development. The mitigation measures proposed will ensure that the development is safe for its lifetime and will manage flood risk on the site and surface water drainage to ensure that there is no increase in flood risk elsewhere. The drainage infrastructure on the site has been designed to ensure that the site can deal comfortably with the event of a 1in100 year storm plus 40% to account for climate change. The application site will be flood resilient and will not give rise to any increase risk off-site. The proposals comply with the requirements of the Framework in this respect.
- 8.54 There is no conflict with Local or National Policy that directs otherwise than that permission should be granted.

Impact upon Biodiversity

- 8.55 The application site is located outside of any protected designations of ecological interest; whether local or statutorily designated. The Applicant has instructed the services of Ecosupport to undertake a Preliminary Ecological Appraisal (PEA), given the outline stage, to determine whether the development of the site for housing will impact upon any protected species or habitat. The report is submitted in support of the application and should be read alongside this statement.
- 8.56 The assessment provides a baseline consideration, having regard for local environmental records, a desk-based assessment and a physical walkover survey of the site, of the various habitats that exist on the site and the potential for those to support protected and other species. Following on from the

baseline assessment, a series of recommendations are made to direct the further survey work which will be required to fully inform the development and ensure that biodiversity interest is preserved and enhanced.

- 8.57 The site has been utilised for agricultural purposes, it is principally comprised of arable land, that itself offers little in the way of habitat for protected or noteworthy species. This is devoid of general vegetation and lain solely to the particular crop which is being farmed. The treelines and hedging around the perimeter of the site are not complete. They exist primarily along the northern and south-eastern boundaries. Lombardy Poplar trees exist in two principal groups, the trees are of good quality however and offer little bat roosting potential. Trees and shrubbery located within and adjoining adjacent gardens are of various native species, these again are of good quality and offer little bat roosting potential. The limited species poor hedgerows on site offer some potential interest in terms of habitat and foraging opportunities. Field margins around the perimeter of the arable land are comprised of various scrub and common weed species, there are also pockets of garden waste that appear to have been disposed of on the site from the neighbouring residences. The southern edge of the site where adjoining Kensington Close comprises some dense scrub and trees with a mix of species.
- 8.58 The PEA advises that it will be necessary to undertake further transect bat surveys, to build a picture of how bats may be utilising the site and any mitigation necessary as part of the construction process, and enhancement measures which will support and enhance interest on the site post development, based on a moderate suitability having been identified. It is also recommended that reptile surveys are undertaken to direct whether suitable habitats should be retained, and protective measures need to be put in place during the course of construction. Breeding bird and hedgehog surveys are likewise recommended in order to direct whether buffer areas are reasonably necessary from existing boundary features on the perimeter of the site. These features are not consistent across the site, but rather limited to certain areas. The development is sufficiently flexible to accommodate these buffers where required.

- 8.59 Phase 2 survey work, once carried out alongside the detailed design stage for the development, will confirm where mitigation in the form of semi-natural buffers to existing hedgerow/tree lines are required. The PEA confirms that, where these are necessary, the buffers should be in order of 5m in width to ensure that the species that may be utilising them are suitably protected and undisturbed. The Applicant's Ecologist has confirmed that, having regard for the high-level outline stage of the proposals, it will be appropriate to secure ecological enhancements on site through the provision of a suitably worded condition imposed on any grant of consent. The condition should seek the preparation and submission of a Biodiversity Mitigation and Enhancement Plan to the Council for its consideration and approval, that details all measures to mitigate and enhance the biodiversity value of the site.
- 8.60 In summary, the majority of the site offers little in the way of habitat potential; that comprising the arable land. Any interest on the site is likely to be constrained to the areas of scrub, which offer some habitat and foraging opportunities, and the existing pockets of hedgerow; albeit they are noted to be species poor. The PEA recommends additional survey work take place, but noted that there is no evidence of significant habitats on site. It will however be important to demonstrate where protected species are utilising the land, that appropriate mitigation is put in place to enable them to continue to utilise the site, and facilitate appropriate enhancements being put in place to provide a biodiversity net gain.
- 8.61 The Framework confirms at Paragraph 170 that decisions should contribute to and enhance the natural environment through minimising the impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are resilient to current and future pressures. This position is echoed by Policy 28 of the Local Plan, which supports the need to deliver a net gain in biodiversity interest through development. The Applicant is also well aware of the Government's Environmental Bill, which remains at a relatively early stage at present, and the expectation to delivery a net gain which will be enshrined in planning legislation in due course.

- 8.62 The Applicant's consultant has proposed mitigation measures which will preserve and enhance ecological interest through enabling buffer zone corridors to be created that enable the movement of species through the site. The proposals also seek to maintain all existing landscaping features which have of value and interest where this can be achieved. The Applicant has identified the habitats which do exist on site, and the value of those habitats. In accordance with Paragraph 175 of the Framework, the PEA does not identify that any significant harm to biodiversity interest will arise from the development, and that adequate and appropriate mitigation and enhancement can be delivered on site. The development is not in any notable proximity of a local or statutory designation, and there are no exceptional or notable species identified on local records as having been present on the site, to direct that this conclusion is inappropriate.
- 8.63 The development will preserve and enhance biodiversity interest through appropriate design and mitigation and enhancement measures which will be incorporated into the scheme at detailed design stage and there is no conflict with Local or National Policy in this regard therefore.

Impact upon Trees

- 8.64 The Applicant has instructed the services of an Arboricultural Consultant to undertake a Tree Survey and prepare an Arboricultural Impact Assessment to accompany the application.
- 8.65 The AIA prepared by Ligna Consultancy confirms that the proposals will see the removal of a collection of poor quality trees and tree groupings, many of which are self-seeded and of little amenity value. The most significant removal proposed in terms of the size of the group is a mixed species group of ash trees; which are of Category C and moderate quality. The removal of these trees will facilitate the delivery of frontage development on to Battlefields Lane south and the continuation of the street scene as a result to positively integrate the development into the surrounding urban area.

- 8.66 The proposals do not seek to remove any tree of high quality or which are of particular amenity value to the development, or surrounding residential properties.
- 8.67 The loss of the low quality specimens on site, which should not be considered a barrier to development, but which would reasonably be removed as part of a scheme of proper Arboricultural management of the site in any event, will facilitate a positive design approach to the development including new areas for tree and hedgerow planting which will have a positive contribution to local ecological interest and the network of habitats within the local area. This will include new boundary screening, and positive green networks through the site and public open spaces to provide a high quality environment for future residents.
- 8.68 The scheme is at outline stage so details of the landscaping proposals are not provided for the Council's consideration or determination at this time, however, having regard for the indicative arrangement of the site, there will be opportunities for landscaping within private frontages and rear gardens, and street trees and shrubbery to provide an attractive setting appropriate for this urban edge location.
- 8.69 The AIA confirms that those trees retained or managed on the site will not be unacceptably impacted by the proposed residential development such that there is anticipated to be a future pressure to prune or fell. It will be possible to accommodate the proposed 'up to 185 dwellings' within the areas specified on site, whilst achieving appropriate buffers from the retained trees to ensure their future growth and retention.
- 8.70 There are no Arboricultural concerns which direct that the existing trees present a barrier to development, or that a positive landscaping scheme incorporating a significant strategy of new tree and hedgerow planting cannot be employed. There is no conflict with Policies 3 or 28 of the Local Plan in this respect.

Financial Obligations

- 8.71 The Council will be well aware that s106 negotiations relating to the previous outline permissions granted in respect of the application site were protracted. This delay was largely the result of difficulties in agreeing the wording of particular provisions; and in particular, dealing with a parcel of land; outside of the demise of the application site, which was donated by the Applicant to the Lincolnshire Primary Care Trust for the provision of a new local healthcare facility.
- 8.72 The Council will be well aware that the transfer of the ownership of this land has occurred. The Applicant holds no interest in this land at this time. There is no need to secure this provision again and indeed the requirement to secure this land was removed from the s106 legal agreement secured at the time of the most recent grant of outline consent ref. H09-0534-12. The development site, albeit no implementable consent has taken place, has already made a physical contribution towards local healthcare provision in this respect, therefore. It is anticipated that a financial healthcare facilities contribution will still be required from the development, to be secured by s106, however it should be acknowledged, in terms of the extent of any contribution, that the aforementioned transfer of land has already occurred, which was originally tied to this development.
- 8.73 The Applicant acknowledges that there will be a need to enter into a s106 agreement in order to secure appropriate financial contributions from the development. As a result of the potential complexity here, in view of the earlier agreements, the Applicant would seek for the Council to engage in s106 discussions at an early stage to avoid the significant delays previously experienced in resolving the details of an agreement in respect of this site.
- 8.74 Where Councils have adopted CIL, with the exception of Affordable Housing, such tariff-based contributions are encompassed within the levy payment and should not additionally be sought by way of s106 agreement.

- 8.75 South Holland District Council has not adopted a CIL charging schedule. As a result, all contributions are secured by way of s106 agreement. Contributions must only be sought where these are considered necessary in order to render development which would be otherwise unacceptable, acceptable in planning terms, as the Framework confirms, and these must be explicitly justified and reasonably related to the development.
- 8.76 In accordance with Paragraph 122 of the Community Infrastructure Levy (CIL) Regulations (2010) and the Framework, any contribution sought, if any, must be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and,
 - Fairly and reasonably related in scale and kind to the development.
- 8.77 Irrespective of the fact that the Council has not adopted CIL, the policy provisions set out above, which are reiterated by the Framework remain applicable.

Affordable Housing

- 8.78 The recently adopted National Planning Policy Framework (NPPF) imposes a new threshold for affordable housing. The new threshold is based upon the statutory definition of Major Development; being proposals for 10 or more units or a site area of greater than 0.5ha. Clearly the application site exceeds both of these thresholds and comprises major development for the purposes of the Framework.
- 8.79 The major development threshold is clearly not a matter for concern in the determination of this application however. The Council's policy seeks the provision of 25% of all major housing developments as affordable. With respect to the application before the Council this means up to 46 dwellings. As the proposed number of dwellings remains an 'up to' figure at this stage, the exact quantum of affordable housing will be determined at the detailed planning stage. The Applicant will however enter into a legal agreement in order to secure the provision of a policy compliant proportion of the housing

development as affordable, and top agree the details surrounding the affordable tenure at this stage.

- 8.80 It is anticipated that a Registered Provider (RP) will be willing to take possession of the affordable housing to enable this to be delivered on site; there are no technical reasons why this should not occur. If however this is not the case, it will be necessary for an appropriate mechanism to be put in place to facilitate a financial contribution to be accepted for the full provision through an appropriate mechanism inserted into the s106 agreement. This will comprise only a worst-case fall-back position.

9.0 Access

- 9.1 The access statement is required to relate only to the access to the development and not to internal aspects of the building. The following sets out how both pedestrian and vehicular accesses are facilitated to the site, amenity space and public transport.
- 9.2 The site has an existing access from Battlefields Lane, on the northern edge, which comprises a rudimentary agricultural access. At the time of the construction of the previous phase of development to the south at Kings Road, highway infrastructure was put in place in order to enable a future access to serve the development to be continued from this location. The existing road is currently terminated with a typical close boarded fence, but could readily be opened up in order to provide an access to full adoptable standards into the application site.
- 9.3 The public highway Kings Road is substantial in its nature. It measures approximately 5.5m in width and is subject to a 30mph speed limit. Continuous footways with grass verges are provided on both sides of Kings Road with the footways measuring c.2m in width. The road is clearly of proportions that render it suitable and capable of accommodating additional movements associated with the proposed development.

- 9.4 The Council made clear at the time of the last application that it did not wish to see a through route created from Kings Road to Battlefields Lane. The Council imposed a restrictive condition (Condition 13) on the previous grant of consent on this basis. The Applicant has taken heed of this decision and is seeking to serve the development primarily from Kings Road, with only a small number of dwellings served directly from Battlefields Lane. The proposals show an emergency access provided from Battlefields Lane, which links with the main route through the site. this will be for emergency purposes only however and of narrowed width and restricted with droppable bollards to prevent use by regular traffic. The emergency access will also provide an effective route for cyclists and pedestrians towards Battlefields Lane.
- 9.5 With respect to general pedestrian and cycle permeability across the site, the scheme seeks to link up with the existing footway to the south onto Kensington Close, which runs southwards towards Foxes Low Road. The proposals seek to continue the character of this footway, running through public open space, to provide an attractive link for residents. The scheme provides opportunities for links eastwards from the site to connect with future development in this location and otherwise provides appropriate connections to facilitate the permeability of the scheme and access along desire lines through the site.
- 9.6 The scheme is in outline with layout not a matter for consideration at this time. As a result, there is no parking layout provided. The Applicant is however aware of the requirements of the Council's Parking SPD and the need to provide cycle storage to promote sustainable patterns of transport.
- 9.7 The Applicant has submitted a Travel Plan in support of the proposals which sets out how a sustainable pattern of travel from the development will be encouraged and monitored. The site is sustainably located within comfortable walking or cycling distance of a range of local services and facilities. There are local bus services within an appropriate walking distance from the site which provide broader sustainable access opportunities.
- 9.8 The site is sustainably located and there are opportunities to support and increase use of sustainable transport. There is no reason in this respect

therefore why a sustainable development cannot be achieved and why the outline scheme should not be supported, and consent granted.

10.0 Conclusion

- 10.1 The application before the Council seeks Outline Planning Permission for the erection of up to 185 dwellinghouses, with matters of principle and access for the Council's determination. All other matters are reserved for subsequent approval of the Local Authority.
- 10.2 The application site is formally allocated for residential development within the South East Lincolnshire Local Plan and thus there is no issue with the principle of the development. The Council will also be well aware that it has previously granted outline planning consent for the site on two separate occasions, first back in 2009 under application ref. H09-1325-06 and latterly in 2018 under application ref. H09-0534-12. The Council has thus resolved that the site is suitable for development and for the delivery of up to 185 dwellinghouses.
- 10.3 At the time of writing, the latter outline planning permission for the site ref. H09-0534-12 remains live. That permission is however soon to expire. The Applicant is seeking a fresh outline planning consent to facilitate the preparation of a detailed scheme thereafter which is capable of implementation on the land and will see the delivery of the development.
- 10.4 The scheme now before the Council is not fundamentally different to that which was previously approved but rather has been carefully considered, informed by initial technical work, to provide a more optimal layout which it is considered will make best and most efficient use of the site and appropriately responds to its context.
- 10.5 The Council will recognise that this site has sat undeveloped for a significant period and it will be no doubt keen to see the site brought forwards.

- 10.6 There are no issues with site accessibility and the development will not give rise to highways consequences which in any manner can be considered to be severe. There will be no unacceptable impacts upon heritage assets within the vicinity of the site and there are no other technical issues which indicate that development should be restricted.
- 10.7 The Applicant has engaged with both the Local Lead Flood Authority and the Environment Agency in seeking up to date data for the site to ensure that the latest flood risk information is incorporated within the submitted FRA and that appropriate recommendations can be secured to ensure that the development will be flood resilient in the future. It is appreciated that, given the high level outline stage, it will be necessary to undertake further technical work in order to inform a detailed stage scheme, but the details provided are sufficient to enable statutory consultees to conclude that there will not be harm and that appropriate mitigation can be put in place to render the development flood resilient and to respond to climate change.
- 10.8 The proposals will see the removal of low quality Category C trees as part of the development. There is no issue with the loss of these species which should not comprise a barrier to the development. The Preliminary Ecological Appraisal submitted alongside the application confirms that there are limited areas of ecological value on the site, as a result of the existing arable land use, but that further survey work is required and should direct development at the detailed stage, with appropriate buffer zones provides from those existing hedgerow and tree features which are of value on the site in order to provide positive corridors which help to preserve and enhance any biodiversity interest. It will be possible to incorporate further enhancement measures at the detailed stage, through use of swales on site as part of the drainage strategy, new planting throughout the development and specific features within the public open spaces on site. There is no conflict with Policy 28 of the Local Plan or Paragraph 175 of the Framework in this respect.
- 10.9 The guiding principle for such applications is that development should be approved:
- Which is sustainable;

- Where proposals are in the public interest; and,
- Where there are no adverse impacts which significantly and demonstrably outweigh the benefits and there is no conflict with specific policies of the Local Development Plan or NPPF.

10.10 There are no unacceptable impacts arising from the proposals which override the public benefits of delivering a substantial provision of both market and affordable housing, which will address local needs, in a sustainable location on an allocated site. The proposals comply with the relevant policies of the Local Development Plan and Framework, the Council can therefore justifiably grant planning permission.