

DECISION DELEGATED TO HEAD OF PLANNING**DECISION DELEGATED TO HEAD OF PLANNING**

Application No: H11-0017-25 **Applicant:** D & R Property Services

Proposal: Erection of 5 no. Dwellings

Location: Land Between Seagate Road And Wisbech Road Long Sutton Spalding

Terminal Date: 31st March 2026

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
18	Affordable Housing
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance**National Planning Policy Framework December 2024**

Section 2 - Achieving sustainable development
Section 11 - Making effective use of land
Section 12 - Achieving well designed places
Section 14 - Meeting the challenge of climate change flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0

PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	1	0	0	3
RESIDENTS	9	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the erection of 5 no. dwellings. The erection of 5 new dwellings on the development site increases the overall units on the site by 4 (as plot 1 is replaced as part of this scheme). The following house types are proposed:

Plot 1 - Three bedroomed (or two with study) bungalow dwelling with integrated garage.

Plot 181 - Three bedroomed (or two with study) bungalow dwelling with integrated garage.

Plot 182 - Three bedroomed bungalow with detached garage.

Plot 183 - Three bedroomed (or two with study) bungalow dwelling with integrated garage.

Plot 184 - Three bedroomed bungalow dwelling with integrated garage.

Plots 1 & 181 would be accessed from Seagate Road whilst plots 182- 184 (inclusive) would connect to the internal road network approved as part of the wider residential scheme. The proposed dwellings are all amalgamated to the north west of the allocation and abut the rear gardens of dwellings fronting the Cherries, with plot 1 an exception as this is located south of proposed plot 181 and fronts Seagate Road. Plots 1, 181 & 182 are located on land that was previously allocated to a single plot.

All plots show parking provision, driveways and amenity space as well as landscaping. An easement is shown to run within plots 182, 182 & 183.

Site Description

The application site forms the north western corner of previously approved planning application H11-1207-17, which benefits from outline planning permission to erect up to 215 dwellings.

Under reserved matters application, this site was shown, in part, to function as public open space. This is shown to the north western corner of the approved site layout plan. A large expanse of public open space was also shown more centrally within the application site.

Within planning application H11-0882-21 which allowed for 9 number dwellings, this red line boundary included some of the land that was marked as public open space. Leaving only the element to the south of Number 4 'The Cherries' as being available for POS.

The application site would alter the dwelling approved on plot 1 (which was a large dwelling glazed linked and subdivide that plot creating 3 number dwellings, plots 1, 181 & 182). The other 2 dwellings would be located to the south of number 4 'The Cherries' and accessed from the already approved internal road network.

The application site abuts the dwellings to the south of the Cherries and is located east of Seagate Road and is part of a housing allocation within the local plan. The site is within Flood Zone 3a, and the SFRA identifies flood hazard in 2115 as 'danger for most' and 'danger for some' and flood depth in 2115 as mostly 0.25m to 1.0m.

History

H11-1207-17 - Outline. Residential development of approximately 215 dwellings. Approved 26th September 2019 This was subject to a legal agreement dated 26 September 2019.

H11-1346-21 - Reserved Matters - Erection of 171 dwellings and associated works. Approved 1 September 2022.

H11-0882-21 - Full - Erection of 9 dwellings. Approved 16 February 2022.

H11-0076-22 - S73 - Residential Development of approximately 215 dwellings - approved under H11-1207-17. Modification of condition 12 to allow amendments to wording relating to Flood Risk Assessment. Approved 10 March 2022. This was subject to a legal agreement dated 9 March 2022.

H11-0972-22 - NMA - Erection of 171 dwellings and associated works - outline approval H11-1207-17 - approved under H11-1346-21. Amendment to position of plots 143, 144 and 172. Amendments to design of Yew, Blackthorn & Elder house types and solar panels added to all plots. Approved 3rd November 2022.

H11-0923-22 - Removal of 106 agreements relating to financial viability of the development - Planning approval H11-1207-17 - Refused 19 January 2023.

H11-0367-23 - Details of contamination, landscaping, boundary treatment, refuse & recycling, archaeological details, estate road & associated footways, surface water drainage scheme, travel plan, public open space including management plan and construction management including precautions to prevent mud deposit on public highway (Conditions 5, 6, 7, 8, 9, 16, 17, 18, 20, 21, 22 & 23 of H11-1207-17) - Undetermined.

H11-0365-23 - Details of external materials of construction of buildings and hard surfaced areas and management and maintenance schedule for areas of landscaping, incidental open space, drainage features, refuse & recycling collection points & parking courts/private drives (Conditions 2 & 5 of H11-1346-21) - Approved 1 March 2024.

H11-1047-23 - Section 73 - Erection of 171 dwellings and associated works - approved under H11-1346-21. Modification of Condition 1 to allow amendments to previously approved plans. Approved 1.5.2024.

H11-0349-23 - Modification of 106 Agreements relating to the removal of the affordable housing obligation from both the outline planning approval H11-1207-17 and full planning approval H11-0882-21. Approved 11 June 2024. This was subject to a legal agreement dated 7 June 2024.

H11-1122-23 - Full - Erection of 4 dwellings. Previous extant permission for 2 dwellings. Withdrawn 14 February 2024.

H11-0137-24 - Non Material Amendment - Erection of 171 dwellings and associated works - outline approval H11-1207-17 - approved under H11-1346-21. Amendment of private drives to Plots 96 & 108 to improve access to both plots. Withdrawn 1.5.2024.

H11-0171-25 - Erection of 171 dwellings and associated works - outline approval H11-1207-17 -

approved under H11-1346-21. Amendment to replace brick types (Plots 17-90, 97-107 & 115-180).
Approved 18 March 2025.

Consultation Responses

CP Viability

In summary we find that the viability of the scheme has improved since our last assessment in 2023. Despite the abnormal costs increasing, a strong improvement in the sales values means that we consider this scheme to be viable with the full S106 planning contribution of £1,162,334.

Long Sutton Parish Council

The Parish Council wish to withdraw their previous support for this application in the light of important matters relating to the site application form and supporting documents. They bring attention to the BNG statement and application form. The statement declares that the site area in this application is used for a site compound and the biodiversity legislation does not apply.

And there is no mention that part of this area is a designated open space on the original plan and there has been no application to remove this designated open space.

This application is under a different name and the PC did not immediately recognise it as the Loosegate site which seems to be smoke and mirrors.

Loosegate decimated all of the habitat prior to any works commencing and habitat and species have been lost and now seem to be stealthily losing the limited open space on the estate in the pursuit of profit over the residents' well-being.

This application should be withdrawn for failing to advise or put any amendment to lose the open space and show the area as a site compound. In addition, the new residents bought their properties on the understanding that the amenity would remain and they were not advised the open space would be lost at the time of sale. If the purchasers had been aware they would not have purchased the property they have recently purchased the property.

Internal Drainage Board

Consent has been granted by the boards subject to a list of conditions proposed. These conditions are not all relevant to planning, such as contribution in order to accept flows and time for completion of the development. Those conditions that are relevant will be reattached.

Highways & Suds

No objection - The proposal is for the erection of 5 no. dwellings and it does not have an impact on the Public Highway or Surface Water Flood Risk. As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Environment Agency

The Environment Agency hazard mapping shows that the site has a future hazard classification of 'Danger to Most' and could experience flood depths of 0.5-1m arising from a breach in the defences during a flood that has a 0.1% chance of occurring in any one year up to 2115. The proposal therefore comes under cell D8 of the local flood risk standing advice and does not appear to fit any other criteria on our consultation checklist, 'When to consult the Environment Agency'. Please consider the proposal against the guidance of the standing advice. We do not need to be consulted further on this application.

Planning Policy

One purpose of N&SN GS is that it provides a place for people to walk. So picking up on your point is there an opportunity to link the landscaping on Wisbech Road frontage, past plots 143 and 132 to then run along the swale on the northern boundary (including the area that meets the new estate

road) and out by the Cherries?

However, looking at this amendment 3 it is clear that there is a fence blocking access to the swale and so access to and from Seagate Road is not available. As I said above one purpose of N&SN GS is that it provides a place for people to walk.

However, if they cannot access Seagate Road from the site then both elements are cul de sac and of little benefit. Amendment 2 description does say it will allow the residents of 1 - 4 The Cherries to maintain the boundary hedge.

The plan indicates it will also provide access to 181 - 184 Brunswick. It is not clear how it will be gated although it appears not to be in the same manner as the proposed 1.8m fencing. If it is not trafficked it could become a place for dumping items.

The same plan was submitted for amendment 2 and so my first response is not appropriate. There maybe legal and technical reasons why a route cannot be provided but it seems the proposed segregating 1.8m fence prevents an opportunity for a circuit walk for residents that meets the objectives of 1 and 2 of policy 32 and the 4.5h/1000 N&SN GS standard.

Historic Places Team

Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application. It is not necessary to consult us on this application again, unless there are material changes to the proposals. However, if you would like advice from us, please contact us to explain your request. No objection to amendment 2

Public Representation

The application has been advertised in accordance with the requirements of the Development Management Procedure Order 2015. A number of objections have been received as well as parish objections and Cllr objections (discussed in the section above) and are summarised into the following topics:

- No road/path outside my driveway, it finishes and I have tarmac area to turn in at the bottom of the cul-de-sac - there would have to be a new road put in to allow Plot 181 to exit.
- Was informed there will not be an access in front of my house.
- No room for this road and pathway, as the area has been taken up by the other 2 revised plots.
- How could you get a fire engine passed?
- No provision for pathway which was shown on plans (through to Seagate Road).
- Builder's compound area is heavily flooded.
- red line has been extended to the front of the residents' property.
- It is difficult enough now getting off the drive let alone 3 exits onto a tiny roundabout that is non existent. When sold to me, I was assured there would never be a road, the cul-de-sac ended before their bungalow driveway.
- the fifth bungalow will exist onto a private road.
- I object to any large vehicle-fire engine, removal lorries, bin lorries etc. passing the small area outside their bungalow. Land was sold to us as green space/area and would never be anything else.
- Area is currently a dumping ground trying to disperse the water that is just sitting there.
- loss of access to green/open space for residents to view and access. This was an appealing aspect of this development. Rest of development is built up with no open space. Looks like concrete jungle.
- Flooding/drainage - drainage issue on internal access road. This road floods along with front gardens and properties when it rains and takes time to resolved following rain. Will cause more flooding to roads/gardens.
- Parking problems
- Amount of deliveries and guests using the internal access road may exceed the proposed capacity for parking/access. The road is only wide enough for single sided parking - will cause parking problems.
- Safety concerns. Road infrastructure wear and tear.
- Noise and disruption. Construction disruption.
- Breach of public trust/commitment - the previous plans included a green public open space, which is to be replaced by 5 dwellings. No objection to 2 dwellings at the front of Seagate Road, but object to other dwellings. House purchase dependent on open space nearby. It is a breach of what was originally promised.
- will exacerbate drainage issues, damage to road structure, disruption and noise, affects quality of

life

-contamination concerns and lack of ground assessment.

-object to additional 5 dwellings so close to properties, not on original application. Access and space was previously 2 metres.

-2 metres is required to maintain existing hedge.

Cllr Comments

Comment have been received from a Lincolnshire County Council Cllr, which state:

Having reviewed both the application and the concerns raised by residents, I share their objections on material planning grounds. The land in question was previously designated as Public Open Space, forming part of the character and amenity of the estate, and its loss would remove the only green space provision at this location. In addition, there are significant issues around flooding and drainage, as residents have evidenced regular standing water and waterlogging which contradicts the conclusions of the Flood Risk Assessment. There are also clear concerns regarding highway safety, with narrow cul-de-sac access, lack of pedestrian infrastructure, and increased risks posed by construction and residential traffic. Finally, the ongoing use of the site as a construction compound has already caused unacceptable disturbance, noise, dust, and highway damage, which would only worsen if this application were approved.

For these reasons, I urge the planning authority to refuse this application in order to protect residential amenity, local infrastructure, and the sustainability of the development

Evaluation

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

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

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

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

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

Planning Considerations

The proposal is for 5 number dwellings, within a housing allocation that has an extant permission. Matters of planning principle therefore do not need to be revisited. The land in question is partly located on what was shown, under a reserved matters application to be public open space; however, a more recent iteration of the scheme submitted under S73 (ref: H11-1047-23) did not annotate this part of the layout as open space.

Moreover, given the application site location within the red line boundary of previous permissions, this application needs to be considered in that context and assessed as to whether any additional contributions are required.

The following are key considerations to this assessment:

- Principle of Development
- Viability/Planning Obligations
- Loss of Public Open Space
- Character Impacts

- Environmental Impacts & Amenity
- Highways Safety and Parking
- Drainage
- Ecology and BNG
- Planning Balance.

Principle

The site forms part of an allocated housing site which already benefits from planning permission for residential development. The principle of residential use in this location is therefore established.

However, the proposal represents a reconfiguration of part of the approved layout, including development on land previously shown as open space. As such, the acceptability of the proposal depends not simply on the allocation status, but on whether the revised arrangement continues to deliver a high-quality, sustainable form of development.

In this regard, the proposal must be considered against the broader objectives of the development plan, including those relating to design quality, amenity, infrastructure provision and the creation of healthy, cohesive communities.

Viability/Planning Obligations

SELLP Policy 6 relates to 'development Contributions'. This site forms part of a wider permission for residential development, that is already subject to obligations. This application would attract a requirement for developer contributions given the increase in numbers, and its relationships (within the red line boundary) of the approved scheme.

Policy 6 of the Local Plan states that:

"The Local Planning Authorities will not accept any proposals that artificially reduce capacity or floorspace to circumvent the proper operation of this policy."

The supporting text of this policy (para 3.7.5) goes on to say: *"Where it is proposed to phase developments, sub-divide sites or where recent subdivision has taken place, or where there is a reasonable prospect of adjoining land being developed in tandem, the whole site will be considered for the purpose of determining whether the scheme meets the site and/or floorspace thresholds identified by Policy 6."*

This application site must therefore be considered in the context of the remainder of the allocation as it is a subdivision of an already approved housing scheme (that is subject to obligations).

Viability

SELLP Policy 6 also considers viability. It states that *Developers will either make direct provision or will contribute towards the provision of local and strategic infrastructure and services required by the development, either alone or cumulatively with other developments. Contributions will be determined having regard to:*

- the identified needs generated by the proposed development;*
- the viability of the proposed development; and*
- the priorities attached to meeting individual local and strategic infrastructure and service requirements.*

NPPF paragraph 59 is also relevant, when considering viability. It states that *Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning practice guidance, including standardised inputs, and should be made publicly available.*

Again, within the supporting text of SELLP Policy 6 paragraph 3.7.12 states that " *The Local Planning Authorities will re-negotiate planning obligations where necessary consistent with national policy 10. Appropriate developer evidence on viability should be submitted to provide the basis of such negotiations.*

The applicant has provided viability, this has subsequently been tested, independently and the assessor confirms that:

Despite the abnormal costs increasing, a strong improvement in the sales values means that we consider this scheme to be viable with the full S106 planning contribution of £1,162,334.

The original permission was subject to education, health care and travel plan obligations. The increased amount above, will be divided proportionately against all 3 requests. The education formula is set out under Annexe B of the original S106 and healthcare set out under Annexe C.

The original S106 also requested that both education and health care to be paid in full, following occupation of 50% of the dwellings. The applicant is requesting that this trigger point is removed and replaced with 80%.

Affordable Housing

SELLP Policy 18 is concerned with affordable housing. It states that *In South Holland about 282 new affordable dwellings per annum, equating to about 60% of the overall annual housing need AND The affordable housing need will be sought on:*

1. market housing sites of 11 or more dwellings (or residential developments with an internal floor area of 1,000sqm or more with a South East Lincolnshire Local Plan 2011-36 requirement of:

- i. about 20% being affordable housing on sites in Boston Borough; and*
- ii. about 25% being affordable housing on sites in South Holland;*

The affordable housing (45 units) that is coming forward on this site is proceeding in a sale to Accent Group, outside of the S106. This is assisted by grant funding. The affordable elements therefore will not be included within the section 106.

The applicant has confirmed agreement with the commuted sum and therefore, as regards SELLP Policy 6 this proposal is considered acceptable.

Loss of Public Open Space

SELLP Policy 32 is concerned with Community, Health and Well-being; it states that *Development shall contribute to: the creation of socially-cohesive and inclusive communities; reducing health inequalities; and improving the community's health and well-being.*

The policy sets out that recreation open space shall provide subject to a list of standards.

There have been objections in relation to the loss of what was shown as public open space on the reserved matters application H11-1346-21. Material to this are the following:

- That POS is already Provided on site in another location.
- The allocation does not stipulate that 2 areas of POS are required.
- That planning permission H11-0882-21 allows already for some of the loss of this area.
- That S73 application H11-1047-23 did not show this area are POS.
- The allocation for Los015 is 215 dwellings, yet this scheme (including this application if approved) would provide 184 dwellings.

Planning policy places significant weight on the provision of accessible, functional and well-integrated open space as part of creating healthy and inclusive communities. Importantly, this is not solely a quantitative exercise, but also a qualitative one, requiring consideration of how open space is distributed, accessed and experienced by residents.

The application site is located within the broader housing allocation Los015 (Long Sutton). Within the allocation there is no stipulation for 2 areas of POS. The larger area of POS would remain intact, despite this application.

Furthermore, the S106 attached to the original also did not stipulate or control the areas of POS other than referring to the site plans within the index. The overall number brought forward is 184 dwellings a much less dense scheme than the 215 proposed by the allocation.

Planning permissions, for 9 dwellings along Seagate Road, have already allowed for the reduction of this area. S73 application H11-1047-23 did not annotate this area as POS.

The area affected by the proposal appears to have been of a more incidental nature, particularly given that subsequent permissions have already altered its extent. Its loss would therefore not undermine the overall ability of the development to provide meaningful recreational space.

It is acknowledged that the proposal reduces opportunities for permeability and informal pedestrian movement in this part of the site. However, this must be weighed against the fact that the retained open space remains accessible via the internal layout and continues to provide a focal point for recreation.

Concerns raised by local residents regarding the loss of open space and expectations at the time of purchase are understood. However, planning decisions must be based on the current merits of the proposal rather than previous iterations of a scheme, unless those arrangements were secured through binding mechanism.

However, the applicant can apply for a scheme of dwelling on this land, despite it resulting in a removal of what was previously proposed POS land, within one of the reserved matters iterations. The amount of POS secured on site would already accord with SELLP Policy 32.

Character Impacts

Section 12 of the National Planning Policy Framework (December 2024) specifically relates to 'Achieving well-designed places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Policy 2 point 1 states that proposals should meet with sustainable development considerations specifically in relation to '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'.

Policy 3 sets out the 'Design of new development' in part it states that "Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable".

The proposal is for 5 bungalow dwellings, given their scale and the residential form that annexes this site there would be limited wider impact. Furthermore, the proposed scheme is acceptable and the house types that are proposed would be easily absorbed into the wider scheme.

The proposal comprises five single-storey dwellings that reflect the scale and form of surrounding

development.

Planning policy seeks to ensure that new development responds positively to its context, reinforcing local character and delivering a coherent and attractive built environment. In this case, the proposed dwellings would be read as part of the wider residential scheme and would not appear incongruous or out of keeping.

The introduction of additional built form in place of open land would inevitably alter the character of this part of the site. However, this change must be viewed in the context of a site that is already undergoing comprehensive residential development.

The relatively modest scale of the dwellings, combined with the proposed landscaping, ensures that the development would integrate appropriately without resulting in unacceptable visual harm.

Therefore on balance, whilst there is a degree of localised harm through the loss of open space and reduced connectivity, the overall provision, function and accessibility of open space within the development is not compromised to an unacceptable degree the proposal would accord with SELLP Policies 2 and 3, and section 12 of the NPPF.

Environmental Impacts & Amenity

Paragraph 135 of the National Planning Policy Framework (December 2024) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

SELLP Policy 30 is concerned with pollution and places impacts in relation to noise, disturbance and air quality as important considerations when considering proposals for planning.

Given the scale of the dwellings, limited impact through overshadowing and overbearing would be made against existing and future amenity. Furthermore, all openings are located within appropriate positions so as not to result in unacceptable visual intrusion. There are dwellings located to the north fronting the Cherries, it is likely that some screening, landscaping is required in order to mitigate any undue overlooking. A landscaping condition will therefore be secured and will need to be agreed prior to the first occupation. A condition on boundaries will also be attached.

The loss of this space, that potentially functioned as POS (though there are some disputes given that more recent iterations of the site plan did not annotate this in such a way) is off set by the large expanse of POS that is secured in the centre of the site. The ability to access recreational space is therefore not undermined by this scheme as it exists elsewhere.

The main issue on this topic therefore relates to the impediment upon visual amenity and character, this is discussed within the section above. Whilst the visual amenity would decrease by removing this space and creating dwellings, it is not at such a level that would warrant refusal. The perceived loss of openness is acknowledged; however, this does not translate into a material loss of residential amenity that would justify refusal.

It is considered then that this scheme would not undermine the ability of the wider housing scheme to access recreational open space and acceptable level of amenity is provided for the future residents of this scheme.

On this basis, the proposal would accord with SELLP Policies 2 and 30, and section 12 of the NPPF.

Highways Safety and Parking

SELLP Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

SELLP Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

SELLP Policy 36 is concerned with Vehicle and Cycle Parking it states that "All new development, including change of use, should provide vehicle and cycle parking, in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (in Appendix 6).

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. It advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Highways have been consulted and have no objections to the development stating that "The proposal is for Erection of 5 no. Dwellings and it does not have an impact on the Public Highway or Surface Water Flood Risk."

There are two accesses to this development , one from Seagate Road and the other internally attaching to the road network. The Seagate Road access will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. It appears that Highways find the other access acceptable. All dwellings have access to sufficient off-street parking provision.

In assessing highway impacts, policy and national guidance emphasise that development should only be resisted where the impacts on highway safety or the operation of the network are severe.

In this case, the Highway Authority has raised no objection, indicating that the development would not result in unacceptable impacts. Adequate parking is provided, and the site remains accessible.

Concerns raised by residents regarding the suitability of access arrangements and potential congestion have been considered. However, in the absence of technical evidence to support these concerns, and given the position of the Highway Authority, there is no basis to conclude that the proposal would result in unacceptable highway impacts.

In highways terms then this proposal is considered acceptable and would accord with SELLP Policies 2, 3 and 36 as well as Section 9 of the National Planning Policy Framework.

Drainage

SELLP Policy 4 sets out the districts approach to flood risk, given the extant permission across the wider site (and the allocation) it is considered that matters of flood risk do not need to be considered.

The applicant has also shown the drainage strategy on plan, it is clear that this scheme would utilise the already approved drainage sachem for the wider site. This is confirmed by the IDB and no objections from the LLFA.

The proposal does not materially alter the approved drainage strategy or introduce additional risks beyond those already considered.

Whilst local concerns regarding surface water and drainage are noted, there is no evidence to suggest that the proposal would exacerbate these issues. The development therefore remains consistent with the established approach to managing flood risk on the site.

On the basis that the drainage plans are listed within the approved documents the proposal would accord with SELLP Policy 4.

Ecology and BNG

SELLP Policy 28 is concerned with the Natural Environment. Points 2 and 3 are relevant to this assessment; point 2 relates to nationally or locally designated sites and protected or priority habitats and species, and point 3 relates to addressing gaps in the ecological network.

The applicant initially provided a Biodiversity Net Gain (BNG) statement which set out that the site may be exempt from BNG on a de minimis basis. However, following further consideration and

discussion with the Local Planning Authority, it has been agreed with the applicant that the development will be subject to BNG requirements.

The applicant has acknowledged this position and has agreed to deliver the required biodiversity net gain in accordance with current legislation and policy. Details of how the mandatory BNG requirement will be achieved will be secured via planning conditions.

Accordingly, conditions will be attached requiring the submission and approval of a Biodiversity Gain Plan, alongside a Habitat Management and Monitoring Plan (HMMP), to ensure that biodiversity enhancements are appropriately delivered, managed, and monitored over the required period.

Planning Balance

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

The proposal would deliver additional housing within an allocated and sustainable location, contributing to the efficient use of land and supporting the delivery of infrastructure.

This must be weighed against the identified impacts, principally the loss of a small area of open space and a change in local character and outlook.

These impacts are acknowledged but are limited in scale and do not undermine the overall quality or functionality of the wider development.

In applying the presumption in favour of sustainable development, and having regard to the development plan as a whole, the proposal represents an acceptable form of development.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking the above considerations into account, the proposal is considered to accord with policies 1,2, 3, 4, 6, 28, 29, 30 & 36 of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (December 2024).