SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 07 February 2024**

(Author: **Dan Allen - Principal Planning Officer)**

Purpose: **To consider Planning Application H15-0436-23**

Application Number:	H15-0436-23	**Date Received:**	10 May 2023
Application Type:	FULL		
Description:	Residential Development Comprising 29 Dwellings - re-submission of H15-1066-21		
Location:	Land Off St Margarets Quadring Spalding		
Applicant:	Seagate Homes (UK) Ltd.	**Agent:**	Seagate Homes (UK) Ltd.
Ward:	Donington, Quadring and Gosberton	**Ward Councillors:**	Cllr H J W Bingham Cllr M A Geaney Cllr J L King

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H15-0436-23

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 For reasons of probity as South Holland District Council owns the land which would be used for the proposed access connection to the adopted highway of St Margaret's. In addition to the need to assess the principle of development, in light of the history of the site, which requires the consideration of the Planning Committee.

2.0 PROPOSAL

2.1 This application seeks full planning permission for residential development of land off St Margarets, within Quadring. The proposal seeks permission for the erection of 29 dwellings, comprising a reduction from 31 dwellings following the submission of revisions during the application process.

2.2 Specifically, the proposal seeks permission for 29 dwellings comprising a layout accessed from an adopted T-shaped road extending beyond the highway of St Margaret's. The layout proposes a turning area/head to the north and south of the main adopted access road, which leads to plots 6-13, plot 24 and pumping station and attenuation basin.

2.3 Predominately, the proposed dwellings are designed as to face the new access road, with short gardens to differing extents to the front and parking to the side. It is noted that some plots have differing relationships. The proposed design comprises rear amenity spaces to each plot, including rear gardens that back onto the existing rear gardens of properties residing along St Margert's and Main Road, along with the existing open space within St Margarets.

2.4 The proposal also proposes an attenuation basin to the northern part of the site, and two small areas of open space, one located immediately west of the attenuation basin and the second at

the entrance of the site.

2.5 The proposed development, as revised, comprises a housing mix as follows:

House Type S211 - Two Bed Bungalow - Plots 7, 8, 9 & 10
House Type 213 v3 - Two Bed Semi-Detached - Plots 3, 4, 14, 15, 20, 21, 26 & 27
House Type 301 v3 - Three Bed Detached - Plots 12& 13
House Type 301 v5 - Three Bed Detached - Plot 1
House Type 303 v2 - Three Bed Semi-Detached - Plots 16, 17, 22 & 23
House Type 303 v5 - See Below
House Type 305 v3 - Three Bed Detached - Plot 2
House Type 312 v2 - Three Bed Detached - Plots 11 & 25
House Type 318 v2 - Three Bed Semi-Detached - Plots 5 & 28
House Type 319 v2 - Three Bed Semi-Detached - Plots 6 & 29
House Type 427 v3 - Four Bed Semi-Detached - Plots 18 & 19

2.6 It is noted that the submitted site layout plan (as revised) illustrates that plot 24 is to site house type S303 v5. However, the housing schedule within the submitted plan (SMQ-SH-SL-AR-01-G) states that plot 24 comprises house type S301 v5; a house type where proposed plans and elevations have not been submitted. It is also worth noting that at the time of writing this report, drawing no.S303v4-01-Plans & Elevations, has also been submitted that shows house type S303 v4; however, the submitted site layout plan does not show this house type as being proposed within the scheme. Clarification is sought on this matter, prior to the committee.

2.7 Nine affordable dwellings are currently proposed as follows:
Affordable rent: plots 7, 8, 9, 10, 22 & 23
Shared Ownership: plots 1 & 14
First Home: plot 15

2.8 The proposed development proposes that vehicular and pedestrian access would be gained via St Margarets, extending eastwards beyond the existing road that serves four residential dwellings adjacent the open space. Beyond this initial access, the development would comprise two spur roads leading both north and south within the proposed development.

2.9 A pedestrian footpath is also proposed to the southeast of the site, leading from Main Road to the north of plot 11.

3.0 SITE DESCRIPTION

3.1 The application site lies to the east of St Margaret's, within Quadring, and lies beyond the residential properties that front onto Main Road. The application site has an area of approximately 1.08 hectares and comprises a rectangular field, the shape and size of which is somewhat determined by the surrounding open drains. The site is outside the settlement boundary as defined within the South East Lincolnshire Local Plan 2019 (SELLP).

3.2 The site is accessed via St Margaret's only; albeit the site is readily visible from Sarah Gate and is also visible from Main Road. The site is neighboured to the south by the rear of properties that front Main Road, with the rear amenity spaces of properties fronting St Margaret's bordering the site to the southwest.

3.3 The site extends beyond the open space/play area to the west of the site, which lies immediately north of the access road of St Margaret's. At this point the site neighbours further residential properties that front St Margaret's at the north-westernmost point of the application site. Sarah Gate runs along the eastern boundary of the application site, leading to the northeastern neighbouring property of Lane Farm. Agricultural land lies to the north of the site.

3.4 With regard to the wider St Margarets, from which this proposed development is proposed to be served, the character of the locality is largely defined by the large area of open space. The open space is surrounded on three sides by buildings, which front onto the open space, with the vacant land of the application site forming the fourth (eastern) side.

3.5 The site is located within Flood Zone 3 of the Environment Agency Flood Maps for Planning; an area with a high probability of flooding. However, the Environment Agency Long Term Flood Risk maps show that the site has a medium risk of flooding from river and sea (annual probability between 1% and 3.3%); the site has a very low risk of surface water flooding (annual probability less than 0.1%); and the site is not within an area at risk of reservoir flooding.

3.6 The submitted Flood Risk Assessment expresses that the "Environment Agency LiDAR data shows that the site is generally flat with ground levels between +3.0m OD and +3.2m OD. The submitted Preliminary Drainage Strategy, which was initially prepared in May 2021 but updated/revised in May 2023, states that "the topography of the site is generally flat, with the majority of the site ranging between 2.74 to 3.35m AOD. The site subtly falls towards the northeast and north ditch before eventually all flows enter the north ditch".

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

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

4.3 South East Lincolnshire Local Plan, March 2019

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 6 - Developer Contributions
Policy 10 - Meeting Assessed Housing Requirements
Policy 11 - Distribution of New Housing
Policy 17 - Providing a Mix of Housing
Policy 18 - Affordable Housing
Policy 28 - The Natural Environment
Policy 31 - Climate Change and Renewable and Low Carbon Energy
Policy 32 - Community, Health and Well-being
Policy 36 - Vehicle and Cycle Parking
APPENDIX 6 - Parking Standards
APPENDIX 8 - Developer Contributions for Education Facilities
APPENDIX 9 - Developer Contributions for Health Care Facilities

4.4 **National Planning Policy Framework (NPPF), 2023**

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

4.5 **Planning Practice Guidance (PPG)**

5.0 RELEVANT PLANNING HISTORY

5.1 H15-1066-21 - Full - Residential Development Comprising of 36 Dwellings - Withdrawn

5.2 H15-1039-17 - Outline - Residential development of up 34 dwellings (Resubmission of H15-0289-17) - APPROVED 27-02-19.

5.3 H15-0289-17 - Outline - Residential development of up to 34 dwellings - REFUSED 20-06-17.

This was refused for the following reason:

The Local Planning Authority considers that there are sequentially preferable sites in flood risk terms available around the village of Quadring, as identified in the emerging South East Lincolnshire Local Plan (Publication Version, March 2017). Notwithstanding the fact that the emerging Local Plan is yet to be adopted and that the Council cannot demonstrate a 5-year supply of deliverable housing sites, the presumption in favour of sustainable development is not considered to apply in this instance because there are sequentially preferable sites from a flood risk point of view available in the vicinity of Quadring. As such, the application is considered to be contrary to national guidance on flood risk, as contained in Section 10 of the National Planning Policy Framework, 2012, in particular paragraphs 100-101. These state that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

5.4 H15-0527-13 - Permission Renewal - Erection of 12 affordable dwellings and associated works - APPROVED 01.10.2013.

5.5 H15-0321-10 - Full - Erection of 12 affordable dwellings and associated works - APPROVED on 05.07.2010.

5.6 H15-1066-21

5.7 Application H15-1066-21 sought full planning permission for the residential development of 36 dwellings. This proposal comprised an application site and site area that matches that of the application currently under consideration by the local Planning Authority.

5.8 This application was withdrawn by the applicant, following the case appearing before Planning Committee on 9th November 2022. The confirmation of withdrawal detailed that the application was withdrawn due to 'the reasons that committee moved the application for refusal', further detailing that 'it had seemed this may have become deferred for density/design reasons at one stage during the committee meeting, which we could have come away and addressed maybe', but the meeting also 'suggested that one reason might be based on the principle of development'.

5.9 It is noted in this respect that the application, albeit being presented to committee with a recommendation for approval, was to be determined unfavourably by the Local Planning Authority, and would have subsequently been refused.

5.10 The recommendation for approval, although solely a recommendation at that point, was supported by an officer report which detailed that:
"Quadring is considered to be within the SELLP as a Minor Service Centre and an area of limited development opportunity. The application site is outside the settlement boundary, as set by the SELLP and is thus designated as "countryside", however, at the time of submission of the application in October 2021 the outline consent set out above (H15-1039-17 refers) was still extant, and this is a planning consideration when looking at the future development of this site. H15-1039-17 was granted at a time when the Council could not prove a 5-year housing land supply, so the presumption in favour of sustainable development was engaged and planning permission was therefore granted.

As at 31 March 2022, the South Holland housing land supply is shown to be 5.9 years. In certain circumstances Local Planning Authorities are required to also add a buffer of 20%. South Holland passed the Government's Housing Delivery Test this year with 176%, and has passed the previous two years as well. We have not therefore, faced the three consequences associated with failing the test including having to apply a 20% buffer. However, we were placed in the buffer in 2018 and considering the historic under delivery of sites within South Holland, and the fact that there remains a substantial shortfall, despite rates improving, it is considered that the Council should apply a 20% buffer to the requirement".

5.11 In this regard, it is apparent that the outline planning permission referred to which is the most recent permission obtained on site, granted under reference H15-1039-17, was extant at the time of submission of this previously withdrawn application. This outline approval was granted,

as refereed to within the previous officer report, "at a time when the Council could not prove a 5-year housing land supply, so the presumption in favour of sustainable development was engaged and planning permission was therefore granted".

5.12 Whilst the outline approval had lapsed during the application process, given that the site had previously obtained permission through the outline permission which remained extant at the time of receipt of the application, the case officer - at that time - concluded that, on balance, the principle of residential development could be accepted due to the extant permission at the point of submission.

5.13 The application was put before Planning Committee in November 2022 and subsequently, the committee moved to refuse the application. As detailed, the applicant then sought to withdraw the application, removing the opportunity to appeal any subsequent decision.

5.14 The submission of this current application occurred on 10th May 2023 and was subsequently deemed valid on 30th May 2023. The outline permission approved under reference H15-1039-17 had comfortably lapsed at the point of this submission and therefore, the application site no longer has a 'fallback' of an unimplemented extant permission. As such, while the applications referenced within this site history section remain a material consideration, the circumstances surrounding these cases and material considerations have evolved and altered since the consideration of the previous proposal.

6.0 REPRESENTATIONS

6.1 This application has been advertised in the local press and a site notice was displayed in three locations nearby to the application site. In addition, internal and external consultees have been consulted by individual letter or email.

6.2 As a result, the following consultation responses were received during the initial consultation undertaken:

Quadring Parish Council - Response received on 19.06.2023

The site was originally granted planning due to a lack of 5 year housing supply this planning has long lapsed. Although principle of planning would normally be taken into account with an outline permission in this case there is no active planning on the site and SHDC has more than a 5 year housing supply and a local plan adopted at this point, so I don't believe in this case it gives any weight.

Therefore, the site is not within the red line of development in the village and is in principle open countryside. Although the reduction in numbers is welcomed it is still high density housing within a village and would be alien against the existing dwellings and completely unsympathetic to the surrounding properties.

The lack of contributions via 106 only add to the undesirability of this development which is green field site. The park area is the only area of usable public open space in the village and this development will result in a large amount of traffic passing close to a toddler play area with little to no fencing the site can only be facilitated by removing an area of this space and directly impacting residents to construct an entrance literally removing a home frontage. If it was minded to be passed the parish council will require notice on the area involved of at least 12 month and also a contribution of £15k towards the current scheme of park equipment replacement and improvements which will need to be accelerated due to the increased use that will result.

6.3 Quadring Parish Council - Response received on 10.07.2023

The site was originally granted planning due to a lack of 5 year housing supply this planning has long lapsed. Although principle of planning would normally be taken in to account with an outline permission in this case there is no active planning on the site and SHDC has more than a 5 year housing supply and a local plan adopted at this point, so I don't believe in this case it gives any weight.

Therefore, the site is not within the red line of development in the village and is in principle open

countryside. Although the reduction in numbers is welcomed it is still high density housing within a village and would be alien against the existing dwellings and completely unsympathetic to the surrounding properties.

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6.4 Cllr Jane King- Response received on 28.06.2023

I feel that although the numbers of properties have been decreased it is still an overdevelopment and not sympathetic to the surrounding area.

6.5 SHDC Environmental Protection Officer- Response received on 29.06.2023

I request a standard contaminated land condition be applied at this location.

6.6 Lincolnshire County Council Highways/SuDS- Response received on 28.06.2023

No Objections, subject to the conditions recommended:

This is a resubmission of a previous Application, H25-1066-21, to which the highway authority raised no objection, subject to inclusion of Conditions.

This amended proposal follows the same form of the previous proposal but with fewer dwellings and on-curtilage car parking. Vehicular access to the proposed dwellings is to be taken from the existing road, St Margarets. There is a section of this existing road that has no adjacent footway and where there is not sufficient land adjacent to the carriageway in which a footway could be constructed. Residents of the proposed development would therefore have to share the carriageway of St Margarets with vehicles or use the remote footpath that is to be provided as part of this development linking the end of the southern cul-de-sac to the footway along A152 Main Road, adjacent to the Sarah Gate junction.

The Applicants have advised that it would be their intention to use the route taken by this proposed footpath as a temporary construction access, which would avoid the need for heavy goods vehicles to use the residential roads of St Margarets that also avoid running alongside an existing children's play area. In the interests of ensuring safe and suitable pedestrian and wheelchair access to the proposed development, it is requested that an informal crossings with tactile paving are provided at the junction of St. Margarets with Main Road and at the junction of Sarah Gate with Main Road.

Subject to compliance with the Conditions and Informatives below, Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

6.7 Historic Places Team- Response received on 29.06.2023

This office has previously commented on proposals for this site and concluded that the potential to encounter significant archaeological remains during construction work is low.

Having reviewed the most recent HER data, no new information has been recorded since the last application and our advice therefore remains the same and no further archaeological input is required for this application.

6.8 Environment Agency- Response received on 28.06.2023

The proposed development will only meet the National Planning Policy Framework's

requirements in relation to flood risk if the following planning condition is included.

We have not objected to this application on flood risk grounds, but this does not remove the need for you to apply the sequential test and to consider whether it has been satisfied. Where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, there will always be some remaining risk that the development will be affected either directly or indirectly by flooding. A failure to satisfy the sequential test can be grounds alone to refuse planning permission.

6.9 Lincolnshire Wildlife Trust - Response received on 22.06.2023

We have no objections to the proposed development and have the following comments to make. The National Planning Policy Framework is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment.

The South East Lincolnshire Local plan (paragraph 3.3.12) states that 'Development proposals should also protect, and where possible enhance biodiversity, geodiversity and green infrastructure'. Policy 28 relating to the Natural Environment states that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets.

Each planning application should demonstrate how the natural environment has been assessed to ensure no net loss of biodiversity and how delivery of biodiversity net gain and contribution to a nature recovery network has been included. This has not been included but I appreciate that this may be available off line.

There are no statutory nature conservation sites in the vicinity. The Yews Local Wildlife Site is close/adjacent to the proposed site but we would not expect it to be affected by the works.

It should also be noted that as breeding birds, their eggs and unfledged young are protected by law; clearance work should be avoided during the bird breeding season (March to end of August).

The Trust encourages the planting of native tree and plant species, preferably of local provenance, as native species support and attract many more organisms than non-native species. Native species are therefore better for biodiversity and since they have adapted to our climate they often have lower maintenance requirements. We would support plans to enhance the wildlife value of the site, through suitable habitat creation. Ponds, for example, could be incorporated into a sustainable urban drainage system. In addition, the planting scheme should utilise native species only, preferably of local provenance.

6.10 **Public Open Space & Landscaping**
Public open spaces and landscaping should contribute towards biodiversity net gain on site. Sowing and planting, including trees should be appropriate to the local landscape and ecology, include native species of local provenance and of known value to wildlife. This will enhance foraging opportunities for local birds, bats and mammals. More formal areas of open space should include native wildflower edges or borders Species rich seed mixes e.g. flowering lawn mix could be used on road verges, footpaths and in gardens.

6.11 **Enhancement for Wildlife**
-Bird and Bat bricks or boxes designed in. These are a good way to encourage wildlife into an area and to allow residents to see and engage with their natural environment. Consider including swift boxes where appropriate in developments as well as standard garden bird boxes. Guidance at NHBC guide for nest boxes.
-Habitat areas for insects, amphibians, reptiles and mammals could enhance the development further and be incorporated into the design. E.g.log piles and retention of dead wood for insects, rock piles and hibernacula for reptile, management of amenity areas, grassland and banks for pollinator species, hedgehog friendly fencing, Suitable vandal proof interpretation should be included on site to explain the features provided and their importance for wildlife.

6.12 Welland & Deeping Internal Drainage Board - Response received on 03.07.2023

The proposal of a controlled discharge being made into the private dyke to the north of the site is agreeable with the Board in principle and the total proposed flow should be confirmed when known as should the proposed impermeable area. Any application would be subject to an application being made to the Board, the agreement of technical details, payment of the application fee as well as the relevant development contribution.

Again, the offer for the Board to consider adopting the riparian dyke to the north of the site remains. But, as consistently stated, this may have byelaw implications for future maintenance which could affect the proposed pump station and attenuation basin. Therefore, a slight alteration of the site layout may be required. However, the benefits for the site as a whole would be the knowledge that surface water has a secured, maintained outfall in the future.

6.13 Lincolnshire Police - Response received on 12.06.2023

Crime prevention advice is given free without the intention of creating a contract. Neither the Home Office nor the Police Service takes any legal responsibility for the advice given. However, if the advice is implemented it will reduce the opportunity for crimes to be committed.

6.14 NHS Lincolnshire - Response received on 15.06.2023

The above development is proposing 31 dwellings which, based on the average of 2.4 people per dwelling for the South Holland District Council area, would result in an increase in patient population of 74.

Therefore, an increase in population of 74 in the South Holland District Council area will place extra pressure on existing provisions, for example- extra appointments requires additional consulting hours (as demonstrated in the calculations above.) This in turn impacts on premises, with extra consulting/treatment room requirements.

Due to the fact that patients can choose to register at any practice that covers the area of the development, and there are no waiting lists for patients, all practices that provide care for the region that the development falls within are obliged to take on patients, regardless of capacity. The development will impact Gosberton Medical Centre, Swineshead Medical Group and Kirton Medical Centre as the development is within their catchment area.

The contribution requested for the development is £20,460.00 (£660 x 31 dwellings). Please note that the expectation is that the appropriate indexation rate and any late payment penalties would also be paid on top of the value specified above.

6.15 Anglian Water - Response received on 16.06.2023

6.16 **Section 1 - Assets Affected**
There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

6.17 **WASTEWATER SERVICES**

Section 2 - Wastewater Treatment
The foul drainage from this development is in the catchment of Gosberton Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

6.18 **Section 3 - Used Water Network**

This response has been based on the following submitted documents: Prelim Drainage Strategy REV 3. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. (1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087. (3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water. (4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087. (5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

6.19 B]Section 4 - Surface Water Disposal
The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

6.20 The following consultation responses were received during the re-consultation undertaken following the submission of amended plans dated 08.12.2023:

6.21 Environment Agency - Response received on 11.12.2023

We have no comments to make on the amended plans and refer you to our letter dated 28 June 2023 for our position on this application.

6.22 Anglian Water - Response received on 14.12.2023

We have reviewed the submitted documents and we can confirm we have no additional comments to add to our previous response PLN-0177542.

6.23 SHDC Environmental Protection Officer - Response received on 18.12.2023

After reviewing Amendment 1 my previous comment remains the same, that I ask for a standard land contamination condition be applied at this location.

6.24 NHS Lincolnshire - Response received on 19.12.2023

The above development is proposing 29 dwellings which, based on the average of 2.4 people per dwelling for the South Holland District Council area, would result in an increase in patient population of 70.

Therefore, an increase in population of 70 in the South Holland District Council area will place extra pressure on existing provisions, for example - extra appointments requires additional consulting hours (as demonstrated in the calculations above.) This in turn impacts on premises, with extra consulting/treatment room requirements. Due to the fact that patients can choose to register at any practice that covers the area of the development, and there are no waiting lists for patients, all practices that provide care for the region that the development falls within are obliged to take on patients, regardless of capacity. The development will impact Gosberton Medical Centre, Swineshead Medical Group and Kirton Medical Centre as the development is within their catchment area.

The contribution requested for the development is £19,140.00 (£660 x 29 dwellings). Please note that the expectation is that the appropriate indexation rate and any late payment penalties would also be paid on top of the value specified above.

6.25 SHDC Environmental Protection Officer - Response received on 21.12.2023

No comments to make.

6.26 Welland & Deeping Internal Drainage Board - Response received on 22.12.2023

Further to receipt of the above, I confirm that Welland & Deepings IDB have no further comment to make with regard to this application at this stage.

6.27 Lincolnshire County Council Education - Response received on 13.12.2023

Thank you for the attached amended consultation. The change to the dwellings does not alter the pupil yield from this development therefore original ask made by LCC Education is still relevant and can be carried forward to this application.

6.28 **Public Representation**

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, 17 letters of representation have been received from 16 contributors during the initial consultation and can be summarised as follows:

-Overdevelopment.
- Imapct upon the rural setting and open countryside.
- Impact on residential amenities of No. 57 Main Road Quadring.
- Development on brownfield sites would be more suitable.
- The site is not within the 'Local Plan' (settlement boundaries).
- There is no extant permission on site.
- The proposal offers no S106 contributions.
- Additional housing development is not required, with several housing developments already ongoing.
- Additional traffic, impact on parking and highway safety, including consideration of its proximity to the play area.
- Construction traffic and vehicles.
- Drainage and flooding concerns.
- Imapct upon climate change and biodiversity.
- Impact on infrastructure.
- Insufficient capacity in exiting schools and doctors.
- Disturbance through noise and dust pollution during development.

6.29 Following the submission of amendments on 08.12.2023, further consultation was carried out. In this instance, 9 further letters of representation were received from 8 contributors and can be summarised as follows:

- Imapct upon the character of the area.
- Impact on the rural setting and countryside.
- Flooding concerns and concerns regarding the proposed pumping station.
- Traffic, parking and highway safety.
- Requirement for fencing within the development for safety.
- Lack of S106 contributions.
- Noise pollution from the development.

- Construction vehicles and access.
- Impact on infrastructure and services, including schools.
- The reduction in housing numbers by two properties makes little difference.
- Climate change and biodiversity.

7.0 CONSIDERATIONS

7.1 Key Planning Considerations

7.2 The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations
- Foul and Surface Water Drainage
- Biodiversity and Landscaping
- Developer Contributions and Viability

7.3 Evaluation

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

7.5 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.

7.6 The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

7.7 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.

7.8 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.

7.9 Principle of Development and Sustainability

7.10 The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

7.11 Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable.

7.12 As such, development within these settlements, subject to the proposals compliance with other relevant national and Local Plan policies, may be considered acceptable in principle where they lie within the settlement boundaries of that settlement.

7.13 It is noted that the National Planning Policy Framework, (NPPF) (December 2023) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

7.14 Para 70 of the NPPF (December 2023) also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

7.15 The application site in this instance lies within a postal area of Quadring, a settlement that is identified as a Minor Service Centre within Policy 1 of the South East Lincolnshire Local Plan. However, the site itself lies beyond the clearly identified settlement boundaries for this settlement, as specified within Policy 1 and somewhat comprises an 'edge of settlement' site.

7.16 Policy 1 states that "the rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside". The site is located outside the Quadring Settlement Boundary, as defined within the South East Lincolnshire local Plan. It is therefore regarded as being within the countryside in policy terms. As such, the application site falls to be assessed as a 'Countryside' location, as detailed by this spatial policy.

7.17 Policy 1 expresses that development within the countryside is limited to that where it "is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits". Residential development within the open countryside, which does not meet a specific housing need as illustrated within the supporting context of Policy 1, would therefore typically be resisted in principle.

7.18 - An economic role:
It is considered that the propsoed development would have the capacity to support the local economy through employment opportunities associated with construction of the development and through the future occupants who may work locally and support local services. These are considered to have limited weight overall, given the clear policy conflict and lack of evidence that demonstrates a more acceptable location, in policy terms, cannot be developed.

7.19 - A social role:
The proposal would make a contribution towards housing supply (including affordable housing) in the district. This provision, although conflicting with the submitted viability statements as detailed below, would provide nine dwellings, which is in excess of the 7 affordable houses required by Policy 18 of the South East Lincolnshire local Plan. Open space would be provided within the development which will contribute to health and well-being; albeit these areas are limited and the northernmost open space is located as to be relatively redundant in its use. In any event, the site immediately abuts a large and expansive open space with specifically dedicated play equipment The contribution to the Parish Council in this regard is also noted; however, the proposal states that due to viability financial contributions required by the NHS and Education would not be provided.

7.20 - An environmental role:
It is not considered that the occupiers of the proposed dwellings would have any greater reliance on the use of motor vehicles to access services, facilities, employment etc. than those within the wider area, given its close proximity to the defined settlement boundaries. In terms of impact on landscape character, the latest proposal would result in residential development protruding onto greenfield land. Flood risk is also an environmental consideration which is discussed in further detail later in the report.
Policy 1 states that "In the Countryside development will be permitted that is necessary to such

a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits". The environmental benefits of the proposal are limited, and the proposal does not demonstrate how the development would provide an environmental benefit that meets the sustainable development needs of the area, not solely the development site.

7.21 Beyond this, the supporting text to Policy 1 states that "housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing settlement needs of a settlement (see Policy 19: Rural Exceptions Sites)".

7.22 The application site comprises an undeveloped parcel of land that is not considered to meet the provisions of either of these policies. The proposal comprises the residential development of 29 dwellings, within land that is defined as being countryside in policy terms; and is land that is undeveloped.

7.23 In light of the above, it is also clear that the proposal does not fall under the provisions of either Policy 22 (Replacement Dwellings in the Countryside) or 23 (The Reuse of Buildings in the Countryside for Residential Use), two policies also specifically referred to within Policy 1.

7.24 Policy 17 outlines that the provision of new houses will seek to meet the long term needs of the plan area. However, with reference to custom and self-builders, it suggests that the Local Plan will seek to meet these housing needs. It does not state that this should be done in a manner inconsistent with the Plan's spatial strategy policies, including through granting permissions. In any event, the proposal is for a residential development of 29 dwellings from a house builder, and as such, does not seek permission for custom or self-build plots.

7.25 This predominantly open market housing proposal, (with nine affordable houses), is not a development type that specifically requires a countryside location. This is particularly the case in this instance where the Council has a development plan that has been relatively recently adopted, with a spatial strategy setting out how the housing needs for the area will be met. In addition, the Council has an identified 5-year housing land supply; as such, whilst windfall sites would contribute to the housing provision, there is no direct need for unsuitable development or development within the open countryside that conflicts with Local Pan Policies.

7.26 In addition to this, it is also noted that the site has been subject to previous planning applications including application reference H15-1039-17 which granted outline planning permission for up to 34 dwellings on this application site. However, as is clearly identified within the more recent application reference H15-1066-21 (which was subsequently withdrawn as detailed above), "H15-1039-17 was granted at a time when the Council could not prove a 5-year housing land supply, so the presumption in favour of sustainable development was engaged and planning permission was therefore granted". It is also worth noting that this application was determined in February 2019 and as such, the Local Planning Authority has since adopted a new Local Plan in the form of the South East Lincolnshire Local Plan.

7.27 This previous permission has lapsed and as such, the application site has no extant permission that remains. Therefore, while the previous outline permission is a material consideration to this application, the circumstance surrounding the application site have changed quite extensively, with all permission on site having lapsed, having adopted a new Local Plan and with the Local Planning Authority also being able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

7.28 It is also worth noting that the withdrawn application H15-1066-21 also details that "At the time of publication of the Housing Land Supply Assessment, as the outline consent was no longer in place, this site was not included within the evidence of the Assessment and is therefore not relied upon in that report".

7.29 Turning to this most recent application, the history and determination of reference H15-1066-21 has been detailed within the history section of this report above. In short, this application was withdrawn by the applicant, following the case appearing before Planning Committee on 9th November 2022. The recommendation for this previous proposal was one of approval, although

solely a recommendation at that point subject to appearing before Planning committee. The accompanying committee report detailed that, although within the countryside, this was supported in principle as "at the time of submission of the application in October 2021 the outline consent set out above (H15-1039-17 refers) was still extant, and this is a planning consideration when looking at the future development of this site".

7.30 This differs to the circumstances before the Local Planning Authority in this instance, with the submission having been received in May 2023 and as such, the outline permission had comfortably lapsed at the time of submission and no subsequent Reserved Matters proposal was put forward. It is also worth noting that the committee resolution was to refuse planning permission as the determining body for that case, with the reasons for refusal being subject to further clarification. Within correspondence within the previous proposal following committee, it is apparent that members raised points in respect of the reasons for refusal as to include the principle of development. However, the application was subsequently withdrawn prior to a decision being issued.

7.31 For context in the assessment of the principle of development on an immediately abutting 'edge of settlement' development, application reference H18-0005-22, and subsequent appeal (Ref: APP/A2525/W/22/3313330), provides recent consideration of proposals of this nature. This proposal sought permission for 123 dwellings, of which the officer report clearly details that parts of the application site in that instance had extant permission amounting to 76 dwellings. This application was refused, with a reason including that of the unacceptable nature of the development in principle, due to its location outside of the defined settlement boundaries.

7.32 Application H18-0005-22 included the following reason for refusal in this regard (not stated in full):
"The application site is located outside of the settlement boundary of Sutton Bridge as outlined in the South East Lincolnshire Local Plan (March 2019) (SELLP). As per Policy 1 of the SELLP it is classed as being in the 'Countryside' in planning policy terms. Policy 1 states that development in the Countryside will only be "permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits".

Whilst it is accepted that 76 of the 123 dwellings proposed already benefit from extant reserved matters approvals, it has not been satisfactorily demonstrated that the proposed additional dwellings are necessary to this location and it is not considered to be a type of housing that requires a countryside location.

For this reason, the proposal is considered to be in conflict with Policy 1 of the SELLP. Paragraph 12 of the National Planning Policy Framework, 2021, reiterates that the development plan is the starting point for decision making and that where a proposal conflicts with an up-to-date development plan it should not usually be granted. There are not considered to be material planning considerations that would outweigh the harm identified in this particular case which would indicate that the plan should not be followed".

7.33 The appeal decision subsequent to this stated that:
"The site lies outside but directly adjoins the settlement boundary of Sutton Bridge. It therefore lies within land designated as countryside. Policy 1 of the SELLP sets out that development in the countryside will only be permitted where it is necessary to the location or where it can be demonstrated that it meets the sustainable development needs of the area. The spatial strategy set out in Policy 1 seeks to ensure that development in the district takes place within the boundaries of existing settlements and on allocated sites. By doing so it aims to ensure that new development is located in the most sustainable locations. It also recognises that in some circumstances development outside of settlement boundaries may bring wider benefits...

I have no reason to consider that the proposal is necessary in the location proposed. In terms of the wider sustainability benefits of the scheme, although the scheme would deliver both affordable and market housing, in the context of a healthy 5-year supply in the district, and an allocated site with which to provide future housing within the settlement, additional housing does not represent a development need capable of forming an exception, as set out in the policy...

Consequently, whilst the development would bring some benefits, these would be insufficient to justify an exception to the general policy of restraint set out in Policy 1. On the second matter I therefore find the development would conflict with Policy 1 of the SELLP which seeks a restraint

on development outside settlement boundaries. Insofar as the development has not been found to meet the sustainable development needs of the district, the scheme would also conflict with the Framework.

7.34 While it is noted that circumstances differ to that within this previously determined application and that each application is considered on its own merits, this provides further basis in respect of assessing development proposals that lie outside of the defined settlement boundaries, but within close proximity to the boundary outlined in Policy 1. Furthermore, it also provides reference to how the planning inspectorate considers development proposals that have extant, or recent lapsed, permission that must be taken into account.

7.35 Overall, taking the above into consideration, although historically permitted on this site, the material considerations and circumstances surrounding this application site have differed to those previously considered. It is considered that the site clearly lies outside of the defined settlement boundaries and as such comprises a countryside location in policy terms. The proposal fails to demonstrate why this proposals is necessary in such a location and as such, is at conflict with Policy 1 of the South east Lincolnshire Local Plan.

7.36 The proposal therefore conflicts with Policies 1 of the South East Lincolnshire Local Plan, 2019 and therefore is at conflict with the South East Lincolnshire Local Plan; with the principle of residential development nor being considered acceptable.

7.37 Layout, Design and Consideration of the Character and Appearance of the Area

7.38 Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful 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.

7.39 Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

7.40 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.

7.41 Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings. These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

7.42 Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

7.43 The proposed development comprises a mix of semi-detached and detached properties, comprising both two storey scales and bungalow designs; offering a mixed housing provision.

St Margaret's comprises a mix of two storey dwellings and bungalows, providing a consistent mix of house types between the proposed development and that of the surrounding area.

7.44 The submission does detail within the application form that the proposed materials are to be confirmed. While the plans appear to illustrate the use of red brick and dark cladding, this is not clarified and as such, details in this regard would need to be reviewed.

7.45 The submitted Flood Risk Assessment states that "it is recommended that the floor level is 0.3m above ground level with 0.3m of flood resilient construction above finished floor level to mitigate against the risk of flooding during the lifetime of the development", and as such, recommends an increase in finished floor levels for the proposed development. In this regard, conditions would be secured to ensure clear detail of the existing and proposed site levels, in addition to the finished floor levels.

7.46 The proposed development is designed as to ensure the principal elevations of the proposed dwellings largely front onto the proposed access roads, with the exception of a small number of plots such as plot 11, plot 12 (which fronts southernly towards its own private drive), and plot 24.

7.47 The proposal also includes two areas of open space; one immediately at the entrance to the proposed development and one to the north. The initial open space immediately abuts the existing open space of St Margaret's and is considered to be appropriately located, as to provide an increased provision of open space that can attribute additional character to the development. The northern open space is however, considered to be somewhat redundant in its purpose as an opens pace, with minimal opportunity for it use, being located to the northern edge of the site, immediately bounded to the west by existing properties of No29 and No.30, with the pumping station immediately to the north.

7.48 Notwithstanding this, the layout of the development is considered, on balance, to be adequate. While a reduced scale in comparison to the existing properties within the surrounding area of the application site, the amenity spaces are considered to be adequate in this instance for the plots to which they serve.

7.49 Taking account of the design, scale and nature of the development as detailed above, it is considered that the proposal comprises areas in which the development could be enhanced in respect of its impact upon the character of the area and quality of design. Notwithstanding this, the development in its current form is considered to be acceptable in respect of its overall impact upon the character and appearance of the area when considered on balance and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

7.50 Impact on Residential Amenity/Land Users

7.51 Paragraph 135 of the National Planning Policy Framework (December 2023) 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.

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

7.53 The proposed development has been designed as to ensure that the plots predominantly have a rear garden to rear garden relationship, as far as possible with existing dwellings. It is noted that all plots that bound to existing residential properties have garden-to-garden relationships, with the exception of plot 1 which has a side-to-side relationship with No. 41 St Margaret's.

7.54 The existing properties have sizeable garden spaces in the majority of instances, ensuring that the relationship is adequate as to not cause an unacceptable adverse impact.

7.55 It is noted that properties 55a, 57 and 59 Main Road have notably shorter gardens and as such, the relationship and separation distances to the proposed dwellings within plots 7-11 is much reduced when compared to other plots within the proposed development. However, plots 7-10 comprise house type S211, which is a single storey bungalow. Therefore, the reduced separation distances are considered to be acceptable.

7.56 Sections were submitted that show typical levels and relationships; however, this plan was superseded and no amended plan was submitted following the submission of an amended proposal. With regard to dwelling-to-dwelling separation distances, SHDC does not have recommended separation standards. Notwithstanding this, it is considered that the resultant relationship and design of the proposed dwellings is such that no unacceptable impact would be caused to the residential amenities of neighbouring occupiers.

The submitted Flood Risk Assessment states that "it is recommended that the floor level is 0.3m above ground level with 0.3m of flood resilient construction above finished floor level to mitigate against the risk of flooding during the lifetime of the development", and as such, recommends an increase in finished floor levels for the proposed development. In this regard, conditions would be secured to ensure clear detail of the existing and proposed site levels, in addition to the finished floor levels. Furthermore, conditions would also be recommended in relation to boundary treatments, to ensure any resultant increases in site levels adequately assess the impact upon neighbouring residents.

7.57 As detailed above, the scale and design of the proposal is considered to be such that there would be no significant and unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions that could be recommended within a favourable recommendation, albeit not the case in this instance.

7.58 It is considered that the proposal comprises development that could be enhanced in respect of the relationships between the proposed plots and the impact upon the residential amenities of the occupiers of adjacent properties or future occupiers. Notwithstanding this, the proposal in its current form is considered to be acceptable in respect of residential amenity when viewed on balance and is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

7.59 Highway Safety and Parking

7.60 Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) 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".

7.61 In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

7.62 Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

7.63 The proposed development comprises an extension of the highway of St Margert's eastwards, beyond the existing open space, to provide an initial access to the application site. Beyond this, two spurs are proposed, one to the north and one to the south, both of which would be predominantly adoptable highways, to provide access throughout the proposed development.

7.64 An additional footpath is proposed from Main Road, running near to Sarah Gate, providing access via foot to the north of plot 11.

7.65 Lincolnshire County Council have been consulted as Local Highway Authority as part of this application and have raised no objections to the proposed development, subject to conditions that are recommended.

7.66 It is considered that the access to the site, in respect of both vehicle and pedestrian access, is acceptable and the development provides adequate parking.

7.67 The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

7.68 Flooding Considerations

7.69 Section 14 of the National Planning Policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

7.70 Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

7.71 If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

7.72 The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding, given the extent of land as detailed above. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.

7.73 The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

7.74 Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted, where:
1. It can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed). The sequential test will be based on a Borough or District wide search area of alternative sites within the defined settlement boundaries, unless local circumstances relating to the catchment area for the development justify a reduced search area, i.e. there is a specific need for the development in that location. The sequential test is not required for sites allocated in the Local Plan, minor development or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site)", with 'minor development' in this instance taking the definition outlined within the NPPF and National Planning Practice Guidance in relation to flood matters.

7.75 The PPG Flood Risk and Coastal Change categorises different types of uses and development according to their vulnerability to flood risk. The proposed development is covered by the

description of buildings used for dwellings and is classified as 'More Vulnerable'. The PPG Flood Risk and Coastal Change sets out Flood Risk Vulnerability and flood zone 'compatibility'. The site is in Flood Zone 3 and the development is 'More Vulnerable' therefore it is necessary to complete the Exception Test.

7.76 As partially referred to above, in short the NPPF requires the application of a Sequential Test to ensure that new development is in areas with the lowest probability of flooding. The Exception Test is a method to demonstrate and help ensure that flood risk to people and property will be managed, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

7.77 The refined flood risk information contained within the SFRA demonstrates the site is not at risk during the 1% fluvial event and 0.5% tidal event. The site therefore has a low probability of flooding and is considered to pass the Sequential Test.

7.78 In any event, the Exception Test requires consideration of the wider sustainability benefits of a development and that the development would be safe and residual risks managed. A Flood Risk Assessment accompanies the application. This demonstrates that the proposed properties can be suitably protected against the risk of flooding. Flood Risk Assessment describes the flood mitigation measures and the management of the residual risks, demonstrating that this development will be safe and not increase flood risk elsewhere.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning Policy Framework in this regard.

7.79 Refuse Collection

7.80 Typically, development is required to ensure a carrying distance that is of 30 metres or less to a collection point, as a distance in excess of 30 metres would exceed Building Control guidance and is an indicator of poor design. Guidance of this nature is provided within South Holland's 'Private Drives - Waste Vehicle Collection Service - Guidance Note'.

7.81 The proposed development would be predominantly served via an adoptable highway, with the private drives proposed being less than 30.0 metres in carrying distance. As such, the scheme is shown to provide adequate layout for refuse collection from dwelling frontages.

7.82 Impacts of Climate Change & Biodiversity

7.83 In respect of biodiversity, Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

7.84 Section 14 of the National Planning Policy Framework (2023) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'. Section 15 goes on to express that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, whilst minimising impacts on and providing net gains for biodiversity.

7.85 In this regard, it would be necessary for the development to appropriately demonstrate a biodiversity uplift. As this has not been adequately demonstrated, it is not possible to conclude on this aspect of the development. Notwithstanding this, it is considered that a suitably worded condition could be recommended to seek submission and approval of such detailing, in accordance with Policy 28 of the SELLP. Also, as the national requirement for a specific level of biodiversity uplift comes shortly in to play, an informative drawing attention to this would also suggested, in an instance where approval is granted.

7.86 Taking the above into account it is considered that given the details submitted and those that could be requested by a suitably worded condition, the proposal is acceptable in this regard. The proposal would therefore be in accordance with Policy 28 and 31 of the South East Lincolnshire Local Plan and Section 14 of the National Planning Policy Framework (December 2023).

7.87 Developer Contribution

Affordable Housing:

7.88 Affordable Housing: Policy 18 of the South East Lincolnshire local Plan requires the provision of 25% affordable housing on-site, for market schemes within South Holland. The proposal seeks permission for 29 residential dwellings; therefore, the proposal would require the provision of 7.25 affordable properties.

7.89 Any resultant provision of affordable housing would need to be secured via a S106 agreement. The revised submission, following the reduction in quantum of development from 31 to 29 dwellings, illustrates that nine affordable dwellings would be provided, comprising the following split as proposed by the applicant:
- Affordable rent: plots 7, 8, 9, 10, 22 & 23
- Shared Ownership: plots 1 & 14
- First Home: plot 15

7.90 Consultation responses have not been received by South Holland's Housing Strategy.

7.91 This demonstrates a provision in excess of the policy requirements, with nine affordable properties being proposed. Apparent from discussions had with the applicant, this 'over-supply' in respect of the policy requirement, has been provided with a view to the Local Planning Authority having a requirement to assess this additional provision within the 'Planning Balance', given the officers consideration that the principle of development is unacceptable.

7.92 It is considered that a minor increase in provision of affordable housing, by providing approximately two dwellings in excess of the policy requirement, is not sufficient to weigh the planning balance in favour of the development. This is discussed in further detail below, along with a further assessment of the applicants submitted 'Affordable Housing and Viability Assessment'.

7.93 Education:

The consultation response gained by Lincolnshire County Council Education, following the submission of amended plans, clarifies that the contribution requested within the previous response would stand. However, it is noted that no formal consultation response was initially received, which sets out the specific financial contribution sought.

7.94 Notwithstanding this, it is apparent that a financial contribution would be sought from Lincolnshire County Council Education. Any resultant financial contribution would need to be secured via a S106 agreement, unless it can be adequately demonstrated that "financial viability prevents the delivery of some or all developer contribution".

7.95 NHS Lincolnshire:

The consultation response gained by NHS Lincolnshire, following the submission of amended plans, sets out a request for a financial contribution. This details that the "development is proposing 29 dwellings which, based on the average of 2.4 people per dwelling for the South Holland District Council area, would result in an increase in patient population of 70". This goes on to express that "Therefore an increase in population of 70 in the South Holland District Council area will place extra pressure on existing provisions, for example- extra appointments requires additional consulting hours (as demonstrated in the calculations above.) This in turn impacts on premises, with extra consulting/treatment room requirements".

7.96 In light of this, "NHS Lincolnshire Integrated Care Board (LICB) wishes for the Section 106 contribution from the development of 70 dwellings on Land off St Margarets, Quadring to

contribute to the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the South Lincolnshire Rural and Boston Primary Care Networks (PCNs) at Gosberton Medical Centre, Swineshead Medical Group and/or Kirton Medical Centre. Alternatively the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need".

7.97 The financial contribution sought for the development is £19,140.00 (£660 x 29 dwellings). The trigger points requested are as follows:
"payment of all monies upon completion of 50 percent of the dwellings for each phase of the development. This will ensure the practices are not placed under undue pressure.

7.98 To ensure that there is sufficient time to carry out the works and allow the s106 funds to be spent in the most appropriate way, a repayment period of 10 years from receipt of the final payment transfer (for the entire development) to the relevant NHS body will be required".

7.99 Any resultant financial contribution would need to be secured via a S106 agreement, unless it can be adequately demonstrated that "financial viability prevents the delivery of some or all developer contribution".

7.100 Confirmation in respect of the financial contributions have not been obtained from the applicant. However, the submitted details, specifically contained within the 'Affordable Housing and Viability Statement', clearly details that the applicant concludes that financial contributions would not be provided due to their assessment of the proposals viability.

7.101 Affordable Housing and Viability Statement

7.102 It is typical process for the Local Planning Authority to engage a third party to assess the submission and validity of viability assessments, when this has been put forward by the applicant/developer. However, in this instance, given the recommendation, it was considered unreasonable for the Local Planning Authority to seek the payment of the required sum from the applicant to engage in such third party assessment, given the principle objection.

7.103 Notwithstanding this, the Local Planning Authority do not agree with the conclusions drawn within the Affordable Housing and Viability Statement and supporting documents and it is noted that discrepancies occur given the revised scheme submitted during the application process.

7.104 The submitted Affordable Housing and Viability Statement, which was submitted alongside the initial submission of the application for 31 dwellings, expresses that this submission has been submitted following the previous assessment of the previous proposal for 36 dwellings by councillors. This goes on to detail in respect of this previous proposal that "The previous scheme did conclude that 5 affordable dwellings and £68,000 contribution was viable".

7.105 In concluding the statement in respect of this proposal, it has been stated that:
"The viability assessment, as reported below, based on figures taken from CPV's assessment of 2022 - updated JULY 2022, identifies that the scheme is unviable with affordable housing and S106 contributions.

Seagate Homes would however propose to offer 2 of the dwellings as Shared Ownership type and propose those to be plots 14 & 15 from the proposed site plan".

7.106 This goes on to detail that:
"The viability assessment, as reported below, based on figures taken from CPV's assessment of 2022 - updated JULY 2022, identifies that the scheme is unviable with affordable housing and S106 contributions.

Seagate Homes would however propose to offer the public open space up to the Parish Council along with a £10,000 contribution towards a new piece of play equipment / enhancement to the neighbouring play area to the Parish Council, for the benefit of the local community. No other contributions are viable".

7.107 It is noted that this was prepared and submitted prior to the submission of the revised proposal;

however, the revision submitted, to which this recommendation and the determination of this application would relate, sought the reduction in quantum of development from 31 dwellings to 29 dwellings, whilst providing a sharp increase in affordable housing provision from the two previously proposed, to nine affordable properties.

7.108 This increase in affordable housing is at conflict with the conclusions drawn within the submitted viability assessment.

7.109 As referred to above, an external third party has not been commissioned to assess the viability of the proposal and the evidence demonstrated by the applicant/developer, given the clear objection to the development in principle and as such, should the proposal be considered favourable, a robust and clear viability assessment would be required to demonstrate that the the proposal is not viable should the financial contributions sought be requested and secured through an S106 agreement, with this then being reviewed by the third party prior to a decision being issued. Alternatively, a favourable decision could only be achieved, if the proposal is deemed viable with the contributions, subject to the agreement to the S106 Agreement.

7.110 In light of the above, an option available to members would be to include an additional reason for refusal, due to the lack of developer contributions and clear contradiction between the revised proposal and the justification outlined within the viability assessment. However, given the evidence submitted by the applicant, it would be advised that a this would typically require a detailed assessment by an independent assessor, in the usual way, in order to ensure the position to defend given the evidence submitted, and the current planning guidance from the Government relating to the provision of developer contributions at this current time.

7.111 Contaminated Land

7.112 During the application process, consultation was undertaken on a number of occasions with South Holland's Environmental Protection team. Within this correspondence, comments were received in respect of contaminated land which detailed that conditions were recommended in respect of contamination to ensure the safe development of the proposal.

7.113 As such, it is considered that the conditions recommended could be attached, following the advise of Environmental Protection Officer, in respect of a need for further reports and assessments to be carried out prior to development taking place, in an instance that a favourable decision would be reached.

7.114 Archaeology

7.115 In respect of archaeological considerations, the National Planning Policy Framework (NPPF) expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

7.116 Section 16 of the NPPF also details that "where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation". Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the National Planning Policy Framework. Development proposals will expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology... through high-quality sensitive design.

7.117 In respect of archaeology, comments have been received from the historic Places team, outlining that within previous assessments of proposals on this site it was concluded that "the potential to encounter significant archaeological remains during construction work is low. Having reviewed the most recent HER data, no new information has been recorded since the last application and out advice therefore remains the same and no further archaeological input is required for this application".

7.118 As such, no further action is considered necessary in this regard.

7.119 Other Matters

During the assessment of the proposal it has also been noted that discrepancies occur. The details of the house types, as shown within the submitted revised site layout plan (drawing no. SMQ-SH-SL-AR-01-G), illustrate that plot 24 would comprise house type S303 v5. However, the housing schedule within the submitted plan (SMQ-SH-SL-AR-01-G) states that plot 24 comprises house type S301 v5.

It is also worth noting that at the time of writing this report, drawing no.S303v4-01-Plans & Elevations has also been submitted that shows house type S303 v4; however, the submitted site layout plan does not show this house type as being proposed within the scheme, with S303 v5 having been stated on the site layout plan.

It is considered that this discrepancy could be easily rectified in an instance where approval was recommended and the consideration of the proposal as detailed has not been impacted as a result of this error; however, given the recommendation for refusal, it is not considered necessary in this instance.

It is also noted that the submitted site location plan provides a red outline that includes an aspect of St Margaret's that appears to be outside of the control or ownership of the applicant. The previous submissions on site have typically been accompanied by Certificate B, with notice having been served on South Holland District Council and/or Lincolnshire County Council. In this instance, Certificate A has been served and as such, it is considered likely that the incorrect certificate has been served.

In any event, given the parties that would require notice to be served, it is not considered that an significant detriment has occurred to these parties; albeit, a rectification of the certificates, with notice, would be required should an approval be issued. Again, given the recommendation and the minimal impact caused, it is not considered necessary in this instance to rectify this matter at this point.

However, it is advised that the applicant considers this matter further given that this could result in a detrimental issue arising in the future and could, in some instances, prevent development from being lawfully approved.

7.120 **Planning Balance**

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

7.122 As outlined within the report above, the application site lies outside of the defined settlement boundaries of Quadring, as defined by Policy 1 of the South East Lincolnshire local Plan. The application site is therefore countryside in policy terms. Development within the countryside is limited to that where it "is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits". Residential development within the open countryside, which does not meet a specific housing need as illustrated within the supporting context of Policy 1, would therefore typically be resisted in principle.

7.123 The development proposed would provide some economic and social benefit in respect of the needs of the local area as detailed within the report above, including (but not limited to) through employment opportunities associated with construction of the development and through the future occupants who may work locally and support local services, in addition to a contribution towards housing supply (including affordable housing) in the district, which would provide nine affordable dwellings which is in excess of the 7 affordable houses required by Policy 18 of the South East Lincolnshire local Plan and as such provides a further material consideration in respect of the planning balance.

7.124 It is considered that these benefits, when considered in regard to the requirements of Policy 1 to demonstrated that a development meets the sustainable development needs of the area, have limited weight overall, given the clear policy conflict and lack of evidence that demonstrates a

more acceptable location, in policy terms, cannot be developed. Furthermore, many of the benefits can be attributed to alternative development sites and are typical for residential development within most locations, such as providing employment during the construction phase.

7.125 The consideration of the previous site history is also considered. While permission has historically been granted, this was evidently permitted at a time whereby the housing supply could not be demonstrated by the Council and as such, the presumption in favour was applied. However, the council can demonstrate a suitable and sufficient housing land supply, as detailed above and the the previous development was permitted under a superseded development plan, with the adopted South East Lincolnshire Local Plan being the relevant development plan for the district, being adopted in March 2019.

7.126 Furthermore, the additional provision of affordable housing is also a consideration as stated. This additional provision comprises two additional properties in excess of the requirements of Policy 18, which requires a 25% contribution. This additional provision has limited weight overall. It is also noted that the submitted viability statements concluded, in respect of the initial submission prior to amendment, that only two affordable properties could be provided, with no further financial contributions with the exception of £10,000 to the Parish Council; meaning no financial contribution in respect of healthcare or education provision. The reduced quantum of development by way of the amended proposals and its increase from two to nine affordable properties, is therefore at clear conflict with the conclusions of this the details provided in respect of viability.

7.127 Overall, the benefits of the proposal as expressed throughout the report are considered to have limited weight when compared to the lack of developer contributions and the clear conflict with Policy 1 of the South Lincolnshire Local Plan. As such, it is considered that the planning balance is not in favour of the development.

7.128 **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.

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

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

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

7.132 Human Rights

7.133 In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the

European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

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

7.135 **Conclusion**

7.136 In conclusion, the proposed development is not considered to be acceptable as detailed within this report and the proposed development is considered to be unacceptable in principle; and as such, the development is at conflict with Policy 1 of the South East Lincolnshire Local Plan.

8.0 RECOMMENDATIONS

8.1 It is recommended that permission be refused for the reasons stated within Section 9 of this report and as demonstrated within the above report.

9.0 REASONS FOR REFUSAL

1. The application site is located outside of the settlement boundary of Quadring as defined in the South East Lincolnshire Local Plan (March 2019) (SELLP). Policy 1 of the South East Lincolnshire Local Plan states that "the rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside". As such, the site is classed as being in the 'Countryside' in planning policy terms.

   Policy 1 states that development in the Countryside will only be permitted to that where it "is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefit".

   It has not been satisfactorily demonstrated that the proposed development is necessary to this location and it is not considered to comprise a development that requires a countryside location. This is particularly the case in this instance where the Council has a development plan that was adopted in March 2019 with a spatial strategy setting out how the housing needs for the area will be met. In addition, the Council has an identified 5-year housing land supply.

   Therefore, the proposal is considered to be in conflict with Policy 1 of the South East Lincolnshire Local Plan. Paragraph 12 of the National Planning Policy Framework (December 2023) reiterates 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 (including any neighbourhood plans that form part of the development plan), permission should not usually be granted". There are not considered to be material planning considerations that would outweigh the clear conflict identified in this instance, which would otherwise indicate that the plan should not be followed.

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

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

Background papers:- Planning Application Working File

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Appendices attached to this report:
Appendix A Plan A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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