DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H15-0865-24**	**Applicant:**	**Clark Group**
Proposal:	Erection of 7 detached dwellings - outline approval H15-0360-22		
Location:	Land Adj. 62 Water Gate Quadring Spalding		
Terminal Date:	9th December 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2: Achieving sustainable development
Section 4: Decision-making
Section 5: Delivering a sufficient supply of homes
Section 9: Promoting sustainable transport
Section 12: Achieving well-designed and beautiful places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment
Section 16: Conserving and enhancing the historic environment

Representations:

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

HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	2	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks approval for reserved matters for the erection of 7 detached bungalows, through the submission of reserved matters, pursuant to outline planning approval H15-0360-22.

Outline permission H15-0360-22 granted consent for up to 9 dwellings. All matters were reserved and as such the current application seeks consent for the scale, landscaping, layout and appearance of the development and access.

Site Description

The application site is currently grass land located off Water Gate in Quadring. The site is situated between Nos. 62 and 70 Water Gate, with open fields to the north and south. The site is located within the settlement boundary of Quadring and is within Flood Zone 3.

History

H15-0360-22 - Outline - Proposed Residential Development - Approved 27.06.2022

H15-0582-19 - Full - Erection of 4 dwellings to be used as holiday lets and associated works including roadway and accessible play park - Approved 06.08.2019

H15-1171-17 - Reserved Matters - Erection of 8 detached dwellings - outline approval H15-0621-16 - Approved 26.04.2018

H15-0621-16 - Outline - Residential Development - Approved 23.09.2016

Consultation Responses

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

LCC Highway and Lead Local Flood Authority

Recommendation: Approve with conditions

Historic Environment Officer

Thank you for consulting us on this application.

The proposed development lies in an area of archaeological potential. It is located within MLI87321 - Settlement at Quadring and adjacent to Monument record MLI125780 - Undated Enclosures, Quadring.

The proposed development comprises "Erection of 7 detached dwellings". The proposed development groundworks and any temporary works associated with the development will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present.

As mentioned above, there is potential for development on this site to have an impact on buried remains that should be recorded prior to their destruction - NPPF (paragraph 211). I recommend that if permission is granted, there be an archaeological condition for a mitigation strategy to effectively deal with this site. This will comprise a phased programme of archaeological mitigation work including, but not limited to a continuous archaeological monitoring (watching brief) to enable any remaining archaeology which currently survives on this site to be properly recorded prior to its alteration or destruction.

This should be secured by South Holland District Council's standard conditions AR01, 02 and 03 and is in accordance with National Planning Policy Framework paragraphs 200 and 211 and the South East Lincolnshire Local Plan (Policy 29).

With respect to the attached archaeological conditions, please contact the Historic Places team at Lincolnshire County Council, Lancaster House, 36 Orchard Street, Lincoln, LN1 1YL, 07386 656079, email ruben.lopez@lincolnshire.gov.uk to discuss the requirements and request preparation of a brief for the works.

It is recommended the resulting mitigation strategy and Written Schemes of Investigation are approved by the LCC Historic Environment Officer prior to formal submission to the Local Planning Authority. Ten days' notice is required before commencement of any archaeological works.

SHDC Environmental Health

No Observations or Comments

Welland & Deepings Internal Drainage Board

The principle of a surface water discharge into the frontage riparian dyke, subject to connectivity into the Board's system being investigated and proven, is agreeable with the Board in principle. This is also subject to an application for consent to discharge surface water being made which requires the agreement of technical details, payment of the application fee as well as payment of the relevant development contribution sum prior to works commencing on site.

Based on the currently submitted information of a total proposed impermeable area of 0.165 hectares and a proposed flow restricted to no greater than five litres per second, the development contribution payable in advance of connection is £9,035.22.

The proposed new access culvert has been correctly identified within the submitted documents as requiring the prior written consent of the Board.

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, one letter of representation have been received.

These can be summarised as follows:

-Private road to access these properties
-No collection points for refuse are shown

Evaluation

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

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

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

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

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

Principle of Development and Sustainability

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.

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 location.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Minor Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within Minor Service Centres will normally be limited to Allocated and Committed sites and infill.

The application site in this instance is within Quadring, a Minor Service Centre, and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of residential development within this location is considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows. Furthermore, the site has outline planning permission therefore there are no objections raised on locational grounds.

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

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.

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.

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.

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.

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.

The principle of a detached dwelling on this site has already been accepted under the outline application therefore the siting of the proposed dwellings are considered acceptable. The proposed layout comprises an arrangement that would utilise the existing land, with an appropriately detailed scheme. The proposed development seeks to provide rear garden spaces to each of the proposed plots, to slightly differing degrees. Whilst these garden spaces would slightly vary, the amenity space is considered to be appropriate and adequate to serve the proposed dwellings. Further, the resultant development would be of an appropriate density as to ensure that the character of the area, and the scales of amenity space, are appropriate as to not cause an unacceptable adverse impact.

As outlined within the Design Statement the proposed dwellings would have a mixture of red and buff brick finish with plain terracotta and slate grey roof tiles. This will be secured by a condition.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Landscaping and Boundary Treatments

The garden to the front, side and rear would be mainly lawn with a small amount of paving proposed to the front and rear of each plot and would likewise be of decent size to ensure good levels of amenity to the future residents. The existing perimeter boundary hedgerow is to remain with a 1.8m close boarded timber fence proposed to separate each plot.

To the south east front boundary of plot 5 a 0.9m brick wall is proposed, with a 1.1m post and rail timber fencing being proposed to the front boundaries of Plots 1, 3, 4, 6 and 7.

The proposals for landscaping and boundary treatment would be appropriate with existing site features and the residential use of the land. As such the scheme is considered to be in accordance with Policies 2 and 3 of the SELLP in respect of their provisions on landscaping and boundary treatments.

Impact on Residential Amenity/Land Users

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.
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.

The proposed development, when viewed alongside the neighbouring dwellings, would result in a number of differing relationships; with rear elevations of plots 1 and 2 facing the side elevations of the neighbouring dwelling No. 62 Water Gate.

Plots 6 and 7 would have a side to rear relationship with the neighbouring property No.70 albeit with a separation distance that exceeds 9.00 metres between each elevation and plot 7.

The proposed development ensures adequate separation distances to neighbouring properties, by way of an appropriate layout and design being put forward. Likewise, the layout and design comprises a resultant relationship between the proposed dwellings that is also considered to be appropriate as to ensure that no unacceptable adverse impact would be caused to the residential amenities of future occupiers.

It is noted that due to the site characteristics, current levels and recommendations of the flood risk assessment, the land level is to be altered on site, resulting in an increase in level and an increased finished floor level of the proposed dwellings. Notwithstanding this, conditions have been attached to ensure that the levels are appropriately detailed and considered, along with the resultant impact upon the future boundary treatments. This will ensure that no unacceptable impact would occur to neighbouring residents.

Furthermore, the dwellings within the surrounding context also benefit from relatively sizeable amenity spaces. The garden spaces proposed are sufficient to serve the proposed development.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

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".

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.

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.

The proposed development would utilise Water Lane, with this being the main highway in which access would be gained to and from the site. The proposed access point, along with the private access routes within the site are considered to be acceptable. Given the nature of the scheme, comprising seven dwellings, the proposal will result in a marked rise in vehicular traffic; however, this is not considered to be unacceptable, and the proposed access is considered to be adequate to

accommodate this activity.

Lincolnshire County Council Highways/SuDS, as Local Highway Authority, were consulted as part of the application process, who have confirmed they have no objections to the proposal.

Furthermore, as detailed above, Policy 36 (in conjunction with Appendix 6) of the Local Plan sets out minimum vehicle parking standards. In this instance, the properties have adequate provision for parking and it is considered that, overall, the development has more than adequate parking as shown within the curtilages of each dwelling.

It should be noted that within the initial comments raised by the local Highway Authority, a surface water drainage scheme condition was recommended. The agent, following this recommendation and discussion with officers, highlighted that a surface water plan was submitted with this application. LCC then agreed that this condition does not need to be applied.

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).

Flooding Considerations

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".

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.

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

The site lies within Flood Zones 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.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. The flood risk impact of the proposed development was assessed as part of the outline application. Condition 2 and Condition 4 of outline permission H15-0360-22 requires the development to be carried out in accordance with the Flood Risk Assessment that was submitted with the outline application, stating the finished floor levels should be set 300mm above average ground levels. The proposed levels are over 300m and therefore the flood risk mitigation is considered acceptable.

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.

Biodiversity

Section 15 of the National Planning Policy Framework (December 2023) seeks to protect sites of biodiversity value, minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. Policy 28 of the SELLP seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and promote biodiversity net gain by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserve or enhance habitat to adapt to climate change.

Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. This is often referred to as the mandatory requirements for Biodiversity Net Gain.

For applications that are submitted prior to the introduction of this requirement, a standard biodiversity condition is appropriate and the mandatory 10% requirement would not apply. However, this application was submitted following the introduction of this legislation. As such, unless comprising development that is exempt from this mandatory Biodiversity Net Gain (10%), a condition would be required, as mandatorily set.

In this instance, the approval of reserved matters for outline planning permissions are not within the scope of biodiversity net gain (as they are not a grant of planning permission).

In light of this, the development is this instance is exempt from the statutory 10% Biodiversity Net Gain requirements. However, it would remain appropriate, given the context of Section 15 of the NPPF and requirements of Policy 28 of the South East Lincolnshire Local Plan (2019), that a standard condition is attached, requiring a level of Biodiversity Net Gain.

Refuse Collection

The proposed development comprises a private road and, as a result of it being private, it is not possible in some instances for refuse vehicles to actively travel onto such private areas; which is to be the case in this instance based on the details currently received. As per guidance, a carrying distance in excess of 30.0 metres to a collection point is not typically considered acceptable, as it exceeds the usual Building Control guidance and can be an indicator of poor design.

However, the outline planning application which this reserved matters proposal is pertinent to, includes pre commencement conditions in relation to refuse collection. Notwithstanding the details submitted, these conditions must be formally discharged prior to a commencement of development. As such, these refuse collection details will be assessed in detail within the relevant forthcoming submission of details application.

As such, the refuse collection has not been approved or agreed within this application and the details of these must be submitted to the Local Planning Authority prior to the commencement of any development.

Archaeology

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 be expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, amongst other assets, and their settings through high-quality sensitive design.

This development lies in an area of archaeological potential. It is located within MLI87321 - Settlement at Quadring and adjacent to Monument record MLI125780 - Undated Enclosures, Quadring. The proposed development groundworks and any temporary works associated with the

development will have a significant impact on any surviving archaeological remains, resulting in total or partial loss, if present.

Given the potential for archaeological finds and features, conditions have been recommended that request a Scheme of Archaeological Works, however a Written Scheme of Investigation for Archaeological Monitoring and Recording was submitted and approved on the outline application H15-0360-22.

Other Matters

LCC Highways recommended a Construction Management Condition, however, on the outline application H15-0360-22 a Construction Management Condition was applied, therefore the condition has not been added to this application.

Following this, the Historic Environment have also requested the South Holland standard archaeological conditions, however a Written Scheme of Investigation for Archaeological Monitoring and Recording was submitted and approved on the outline application H15-0360-22 and therefore the conditions have not been attached.

Planning Balance

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

The proposal represents appropriate development inside the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, whilst conforming with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2023) when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

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

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

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that

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

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

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3, 4, 28 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPFF) (December 2023). The are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.