

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

Application No: H16-0279-24 **Applicant:** Scenic Homes Ltd

Proposal: Residential development comprising 7 dwellings

Location: Land To South Of 199 Cradge Bank Spalding Lincolnshire

Terminal Date: 21st June 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
28	The Natural Environment
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2023**

Section 5: Delivering a sufficient supply of homes
Section 9: Promoting sustainable transport
Section 11: Making effective use of land
Section 12: Achieving well-designed and beautiful places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	1	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RUBEN LOPEZ,	0	0	0	1

HISTORIC ENVIRONMENT OFFICER				
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Residential development comprising 7 dwellings. Amended plans have been received which alter the position, design and height of Plot 1 in relation to 199 Cradge Bank, the neighbouring property.

Five of the dwellings are 4 bedrooms, 2 of the dwellings are 3 bedrooms. The dwellings are arranged in a staggered line along the front of the wider development site which is to the west Cradge of Bank.

Plot 1 is a four bedroom dwelling with integral garage. It is 8.7m long on the northern flank and 9.9m long on the southern flank, and is 9.5m wide. It is 4.86m to the top of the eaves, and 7.2m to the top of the ridge. The height has been specifically reduced to minimise the impact upon the neighbour. The roof design has been changed to a hipped roof to also reduce the overall bulk of the property.

The internal garage is 2.74m wide internally and 5.5m long internally with the opening being 2.3m. It has a rear amenity area of between 6.1m and 8.6m (the plot is set at an angle). It is set 5.7m forward of the boundary of number 199 Cradge Bank, which is set 2.15m in from its boundary. Plot 1 is at an angle, with the closest edge to the neighbour being at the front, set in 3.24m in from the boundary. At the rear it is 5.08m in from the boundary. The amended floor plan has been handed so the garage faces the neighbour, and is shorter.

The front drive has been amended to accommodate 3 cars on the driveway given that the internal dimensions of the garage are substandard compared with the County's internal minimum dimensions.

The front drive has been amended to accommodate 3 cars on the driveway given that the internal dimensions of the garage are substandard compared with the Local Highway Authority's internal minimum size requirements for garages.

Plots 2, 3, 4 and 5 are 4 bedroomed semi detached pairs which are 8.9m long and the two pairs are 17.4m wide. They have internal garages which are 2.84m wide and 5.53m long with an opening of 2.25m wide. The driveways have the capacity to accommodate 3 car parking spaces on the amended front drives.

Plots 6 and 7 are two 3 bed properties which are 9.05m wide and 6.15m wide. They do not have integral garages and instead rely on onsite parking of which 2 spaces are available.

Site Description

The site is 0.22 hectare irregular shaped plot on the western side of Cradge Bank within the settlement boundary of Spalding.

This site was part of a wider development site which is under construction at the rear. Residential properties exist to the north, including the nearest residential property, 199 Cradge Bank.

The site comprises part of a former nursery site set between the B1172 Spalding Common and

Cradge Bank. The nursery site (Millfield's Nurseries) had an area of approximately 4.66ha. The site was largely covered in glasshouses. The present application site is located in the north-eastern corner of the former nursery site. To the north of the site are two detached dwellings set on the western side of Cradge Bank (197 & 199 Cradge Bank). 199 Cradge Bank has habitable room windows to a relatively modest lounge on the flank, and a front bay window to the front and rear conservatory overlooking a rear amenity area. This property is set at a lower level than the development site behind, and from the flank habitable room window, the adjoining development's finished floor level is at the same height as the bottom of the ground floor window and the dividing boundary fence. This and the adjoining 197 Cradge Bank are modern detached properties dating from the 1980's.

The overall nursery site, including the present application site, comprises a residential allocation within the South-East Lincolnshire Local Plan (allocation ref: Stm004). The site falls within the defined settlement boundary for Spalding and Pinchbeck.

History

Wider Development Site

H16-0668-16 - Outline. Residential development up to 135 dwellings. Approved 13.3.18.

H16-0984-19 - Reserved Matters. Residential development - comprising 40 dwelling. 100% affordable dwellings. Approved 13.02.2020.

H16-0543-21 - Condition Compliance. Details of written scheme of archaeological investigation (Condition 20 of H16-0668-16). Approved 2.06.21.

H16-0021-21 - Residential development comprising 40 dwellings - approved under H16-0984-19. Modification of Condition 1 to allow amendments to previously approved plans. Approved 16.7.2021.

H16-0225-21 - Condition Compliance. Details of contamination report, boundary & landscaping, public open space, landscape management & maintenance plan, refuse & recycling storage, external boxes, flues etc, cycle storage, construction management, road construction specification, road levels, surface water & foul water schemes and existing & proposed site levels (Conditions 4, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 17 and 19 of H16-0668-16). Approved 02.09.21.

H16-1070-20 - Reserved Matters. Erection of 95 Dwellings - outline approval H16-0668-16. Approved 03.09.21.

H16-0107-21 - Residential development -approved under H16-0668-16. Modification of Conditions 2 & 18 relating to Flood Risk (new Flood Risk Assessment Submitted). Approved 4.10.2021.

H16-0551-22 - Residential Development - approved under H16-0107-21. Modification of Condition 1 to allow amendments to previously approved plans. (Variation in house-type design/elevational treatment, based on the same overall footprints(areas)/general site layout, with exception of the previously approved plots 8-11, 23 and 75-76). Approved 24.8.2022.

Current development Site Under Consideration

H16-0673-22 - Outline - Residential development. Approved 22 December 2022

The illustrative plans showed five dwellings served from Cradge Bank, 1 x 3 bedroom and 4 x 4 bedroom units.

Condition 4 of H16-0673-22 limited the maximum number of dwellings within the red line boundary to five.

This approval had a Section 106 agreement dated 22 December 2022

Consultation Responses

Local Highway and Lead Local Flood Authority

We would like to note concerns with the on plot parking arrangements, namely the tandem spaces. In accordance with LCC Guidance on car parking, we only consider tandem car parking spaces to count as one car parking space. We advise that on-plot car parking spaces be delivered side-by-

side rather than in tandem.

A 4 bed dwelling should provide 3 parking spaces and a 3 bed dwelling should provide 2 parking spaces. A garage can only be counted as a parking space if it measures a minimum of 3m x 6m. At outline stage it was requested that an internal footpath link be included so residents do not have to walk along the carriageway of Cradge Bank - this has not been included.

Wellings & Deepings IDB

Should planning permission be granted the proposed culverting of the frontage dyke is agreeable in principle with the Board but requires the submission of an application to alter a watercourse which is subject to the agreement of technical details as well as the submission of an environmental report to the Board in advance of works commencing on site.

If planning permission is gained then applications for consent to discharge surface water for each plot will need to be submitted to the Board prior to connection. Each application will be subject to the agreement of technical details, payment of the £50 application fee as well as payment of the relevant development contribution for each plot. The development contribution payable to the Board in advance of connection for the 7 individual plots is £4,529 (this is excluding the afore mentioned application fees).

Environment Agency

It was not necessary to consult them.

LCC Historic Environment

Due to the area's archaeological sensitivity, a previous outline application H16-0673-22 was granted planning consent with conditions (12, 13 and 14) requiring an archaeological scheme of works. After completion of the archaeological trench evaluation, a scheme of limited archaeological mitigation was agreed with the original developer within the current development area. A programme of archaeological preservation in situ, facilitated by a site built-up and involving piling for house foundations only.

The new development H16-0279-24 will need to adhere to the same strategy of ground built up and the exclusive use of piling for house foundations as previously agreed. If the current applicant intends to use a difference foundation methodology, a different mitigation strategy to deal with the sensitive archaeology on the site will be required. The archaeological mitigation strategy can be secured by appropriate conditions but will require custom wording based on the unusual circumstances of the site. Please note that the post-excavation work of extant outline application H16-0673-22 including the final report, the publication report and deposition of the site archive will need to be completed in full before condition 14 from the extant outline application H16-0673-22 can be discharged:

"14. A copy of the final report required in connection with Condition 12 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021. This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019."

Subsequent correspondence confirmed that standard archaeological conditions are necessary as this is a separate, full application from the wider outline approval.

Councillor D R Ashby

Acceptable development

Public

Not be a problem unless windows are directly overlooking property. Not the case with properties building adjacent to back garden. No privacy in any area of rear garden, many large windows

looking out that way.

Houses have been raised up. Not so with all other properties along Cradge Bank, including mine built 35 years ago. No possibility of flooding as the riverbank is higher this side of the river than the opposite side, allowing flood waters to go over or be let over onto the flood plain, which extends for many miles towards Crowland. Excessive wet weather has proved this.

Planning Considerations

Key Planning Considerations

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

Evaluation

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

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

The policies and provisions set out in the National Planning Policy Framework (updated 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 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 and that land with permission is developed without unnecessary delay."

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.

The application site in this instance is within Spalding, a Sub-Regional Centre and lies within the defined settlement boundaries as detailed by Policy 1. It is part of an allocated site. Outline planning permission for residential has also been granted previously on this site, albeit restricted to five dwellings. Within this context, the principle of residential development within this location is acceptable, 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.

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 layout and relationship of Plot 1 in relation to the adjoining residential property, number 199 Cradge Bank has been amended as it was previously a concern. Plot 1 at its closest point to the

flank boundary of 199 Cradge Bank is now 3.34 metres (as opposed to 1.98 metres originally) from the boundary, tapering out to 5.08 metres in from the boundary. Plot 1 is set 5.66 metres further forward than the front main wall of 199 Cradge Bank as amended - again, this distance has been reduced so that it is far less prominent than originally submitted. Now that Plot 1 has also been pulled back from the boundary, and been handed, the impact of the position and layout of this property is much improved, to the extent that it is not thought that the proposal is unacceptable in design terms. It's overall bulk has also been reduced. Overall in design and layout terms, the design, position and bulk of Plot 1 is considered acceptable in its amended form.

The layout for plots 2 to 5 is considered to be generally acceptable. Plots 6 and 7 have restricted rear gardens. These are an irregular shape and the rear garden distances are between 7.13m and 6.39m for plot 6 and 6.29m and 8.34m for plot 7. It is acknowledged that gardens of less than 7 metres are small, however gardens with restricted size have been approved in other parts of the district, so it is not thought that the restricted garden size could be reasonably be resisted given the context of this application. There is also no policy in the SELLP which dictates the minimum size of gardens, and as a result, garden size is a matter for judgement, not policy. Future occupiers would be aware of the size of the gardens prior to residing there. Refusal on the grounds of restricted garden size is not therefore considered to be so severe as to warrant refusal.

Overall in design and layout terms the proposals are considered to be acceptable and compliant with policies 2 and 3 of the SELLP.

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 main impacts to consider in this case is the impact of Plot 1 on the neighbouring property, number 199 Cradge Bank.

An objection has been received which expresses concerns about residential amenity, but does state that it is overlooking from windows that is the main concern. The impact in relation to reduced outlook from the front windows also has to be considered.

Number 199 Cradge Bank has flank windows to a habitable room, in this case the main living room. It also has a single storey rear conservatory with flank windows. 199 Cradge bank is set lower than the overall development adjacent to it, so their finished floor levels are set at the same level as the top of the fence line to adjoining development. It means the relative height of the adjoining development facing the rear garden is higher than the garden of 199 Cradge Bank. The agent for the current application states that Plot 1 is to be lower than the development behind, and this is acknowledged.

The nearest habitable room to the boundary of Plot 1 is the neighbour's living room at 199 Cradge Bank. This room has front windows providing an extensive outlook from the front which includes currently unrestricted views and outlook towards the landscape opposite and further south. The revised position of Plot 1 has a much less severe impact on the outlook from this habitable room compared with the situation as submitted, given that it has been set back, positioned further away, and reduced in bulk in design terms with a hipped roof, lower eaves and ridge height, angling away from 199 Cradge Bank.

In terms of loss of privacy, this is not considered to be significant for 199 Cradge Bank because there are no flank windows either at ground or first floor level of Plot 1. Whilst there is a door, this is set further back on the footprint, facing the flank of number 199 but angled. It is not expected that this will lead to loss of privacy or overlooking. The amended scheme has a much improved relationship to number 199 Cradge Bank. Whilst the comments of the objector has been taken into account, it is not considered that the layout adversely affects neighbouring properties.

The submitted levels plan shows the following spot heights along the boundary with 199 Cradge Bank:

2.329
2.195
2.289
2.210
2.104
2.026
1.910
1.956
2.003

The height of Plot 1 is as follows:

-Height to top of ridge: 7.22m
-Height to eaves level: 4.86m

A street scene/cross section has been submitted which illustrates the finished floor levels, eaves and ridge height of Plot 1 in relation to 199 Cradge Bank. This shows that the eaves are to be 8.1m, and the ridge height is 10.4m. This is only marginally higher than 199 Cradge Bank which has an eaves level of 7.21m and a ridge height of 9.82m.

The amended height of Plot 1, now set further away from the boundary, with an amended roof design, means that the proposals will not lead to a significant loss of view and a feeling of enclosure, thereby adversely affecting residential amenity. It is not therefore considered contrary to both policies 2 and 3 of the SELLP.

In terms of the impact of the remaining plots, these are positioned so that they do not significantly adversely affect amenity of nearby residential occupiers.

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.

Furthermore, 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 parking associated with the 7 plots has been amended and is now arranged as follows in relation to bedrooms:

Plot 1 - 4 bedrooms - 3 spaces
Plot 2 - 4 bedrooms - 3 spaces
Plot 3 - 4 bedrooms - 3 spaces
Plot 4 - 4 bedrooms - 3 spaces

Plot 5 - 4 bedrooms - 3 spaces
Plot 6 - 3 bedrooms - 2 spaces
Plot 7 - 3 bedrooms - 2 spaces

Whilst Plots 1 to 5 have internal garages, these are not of an internal size to count as garages according to the Local Highway Authority since they are less readily usable for modern cars. However, the amended plans have increased the size of forecourt parking for each dwelling. The amended plans now show that Plots 1 to 5 have sufficient car parking in comparison with bedroom sizes to conform with Annex 6 and Policy 36 of the SELLP which requires three parking spaces for dwellings with more than four bedrooms. The parking arrangements for plots 1 to 5 are therefore satisfactory. Parking for plots 6 and 7 were compliant at the time of submission. Plots 1 to 5 can accommodate cycles within the garages and therefore comply with minimum cycle parking levels. Plots 6 and 7 can have a condition attached to include a wall mounted cycle parking rack. It is therefore considered that in parking terms the proposal complies with Annex 6 and Policy 36 of the SELLP.

The Local Highway Authority queried the fact that the previous outline contained condition 4 which limited that permission to 5 dwellings, yet the current proposal is for 7 dwellings. In that consent, the Local Highway Authority requested a footpath link to be provided from this to the wider development. The Local Highway Authority requested that this be either an amended block plan or a Grampian style planning condition. The approved layout, although indicative, does not include a footpath link, and no Grampian style condition was attached to the overall approval.

In the officer report, it was stated that:

"pedestrian connectivity with the wider site has been suggested by LCC but such provision was not included within the wider site design. For this reason it is not included as a condition."

Whilst it is acknowledged that this was requested, and a condition exists limiting that particular permission to 5 dwellings, the current application is a Full application, that needs to be considered on its own merits. Given that the larger development is nearing completion, it does not look possible to create a footpath link that the Local Highway Authority request retrospectively. Whilst The Local Highway Authority have concerns, they have not objected, nor suggested a reason for refusal. Without such evidence it is not considered that the proposal would lead to a cumulative impact on the highway network or an adverse highway safety impact. As such the proposal is not considered to be in conflict with Paragraph 115 of the NPPF or Policy 36 of the SELLP.

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 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.

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 is part of an allocated site so in flood risk terms the site is preferential than other surrounding developments. The proposed development is not in a functional flood plain as defined by the Technical Guidance.

Although the site is in flood zone 3, the actual risk of the site flooding from any Environment Agency watercourse is very low.

There is a residual risk of flooding to the site, which is the risk caused by a breach in the west bank of the River Welland, and the maps in the SFRA predict that if this occurs in a 1 in 1000 year event in 2115 the depth of flooding could be up to 1.0 metres on a greater part of the site and greater than 1.0 metres in the area on the southeast corner of the site.

The risk of the site becoming flooded from any other source is extremely low. In a flood risk area, there is always a risk of an event occurring of greater magnitude than has been considered in this flood risk assessment.

The site is capable of being mitigated in flood risk terms, and the IDB and Lead Local Flood Authority do not object to the scheme. A condition is suggested to mitigate flood risk in line with the Flood Risk Assessment.

It is considered the proposal accords with 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard.

Impacts of Climate Change

In respect of the climate emergency, section 14 of the National Planning Policy Framework (December 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'.

There are no particular issues in terms of climate change that results in a reason for refusal in association with the scheme. Taking the above into account it is considered the proposal is acceptable in this regard. The proposal would therefore be in accordance with Policy 31 of the South East Lincolnshire Local Plan and Section 14 of the National Planning Policy Framework (December 2023).

Biodiversity

Section 15 of the National Planning Policy Framework (NPPF) 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.

The application was submitted prior to mandatory requirements for Biodiversity Net Gain as introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) which requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics for minor developments. For applications such as the current scheme, submitted prior to the introduction of this requirement, a standard biodiversity condition is appropriate. The suggested condition is considered to be adequate to demonstrate biodiversity net gain. It is not considered, therefore, that the proposal conflicts with Policy 28 of the SELLP as a result.

Archaeology

Policy 29 of the SELLP relates to the Historic Environment and seeks to ensure that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate enhanced. Development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology found during development. Proposals that affect archaeological remains, whether known or potential, designated or non-designated, should take every reasonable step to protect and, where possible, enhance their significance.

The proposed development is located between the site of the present village of Quadring to the south and what is believed to be the original medieval core around the church to the north. Surrounding fields have also produced both Roman and Middle Saxon pottery, which may indicate earlier activity in the area. The previous two phases associated with this development on the wider site (planning references H15-0942-20 & H15-0014-22) have had archaeological evaluations carried out. The archaeological features recorded in these evaluations have demonstrated that the highest archaeological potential is located to the north of the overall site area of planning application H15-1207-18. The archaeological record of the remainder of the site area included remains of post-medieval dykes, a Roman ditch and a medieval pond.

This application was covered by nursery greenhouses, which will have had relatively shallow foundations. The site was traversed by a post-medieval/early 20th century dyke and pond as recorded in the 1st edition Ordnance Survey map. LCC historic environment do not object to the application subject to the imposition of standard conditions to safeguard any archaeological findings since this application is a separate and distinct full application. The results of the previous archaeological investigation can be used to discharge the standard conditions, but as this is a distinct application, it is considered that the conditions are necessary and approval of the pre-commencement conditions have been agreed by the agent. Subject to the imposition of conditions it is not considered that the proposals conflict with Policy 29 of the SELLP.

Other Matters

Policy 30 of the SELLP relates to pollution including land contamination. The wider application on this site for 135 dwellings had contamination conditions imposed (as part of application H16-0668-16), and those details were discharged under application H16-0225-21. Further contamination conditions were required as part of the application for outline for 5 dwellings on this site (under reference H16-0673-22). Whilst contamination details have been discharged for the wider site, this application is under separate ownership and is also a full planning application. Whilst the same contamination details could be used, these would need to be specifically discharged to link it with the current application. It is therefore considered necessary to re-impose the standard contamination conditions, and these have been agreed as pre-commencement conditions by the agent.

Conclusion

The amended proposals are now considered acceptable with regards to the impact on adjoining residential occupiers and in respect of car parking proposals. The scheme is not expected to lead to an adverse impact on the street scene or character of the area. The scheme makes efficient use of land which has been allocated for development where the principle has clearly been established. As a result, approval is recommended.

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.