

LAND NORTH OF SUTTON BRIDGE, LINCOLNSHIRE

OUTLINE PLANNING APPLICATION
FOR
PROPOSED RESIDENTIAL DEVELOPMENT

PLANNING STATEMENT

UPDATED 29 MARCH 2022



PREFACE

This document is an updated version of the Planning Statement dated January 2022, which accompanies outline planning application H18-0005-22. Since submission of the application, a meeting has been held with the Case Officer, and following that discussion she has provided responses to queries raised by the applicant. The purpose of this updated statement is to feed in the information provided by the Case Officer to the assessment of the material planning considerations in this case.

Throughout the statement, additional text inserted in March 2022 is shown in **blue type**. All black text is the original January 2022 version, which for clarity we have not altered.

At the end of the statement, we have inserted a planning balance assessment in light of the additional information now received.

The following amended drawings are formally submitted alongside this statement:-

LH-SBM-20 005 Rev C

LH-SBM-20 006 Rev C

LH-SBM-20 007 Rev C

These drawings reduce the number of dwellings proposed in the application from 129 to 123, due to the layout changes that have been made. Those changes are prompted by the discussion with the Case Officer, in which it was agreed that the built form of development at the northern edge of the site would be reviewed to seek to introduce a looser arrangement. An updated spreadsheet setting out the revised affordable housing and market mix is provided alongside this statement, and replaces that found within the Design and Access Statement.

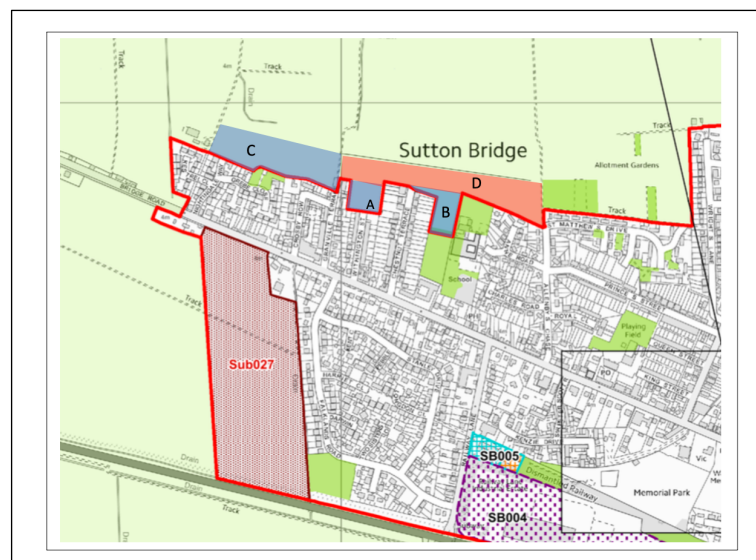
INTRODUCTION

1. This statement has been prepared in support of an outline planning application for the erection of 129 dwellings (including 32 affordable dwellings), site access and associated external works on land at the northern edge of Sutton Bridge. The application includes means of access and layout for determination at outline stage, with other matters being reserved.

Now 123 dwellings.

2. Two outline planning permissions have been granted by South Holland District Council (and a further one at appeal), all for residential development, and all on land on the northern edge of Sutton Bridge. There is a further portion of land adjoining the permitted sites which if developed would complete the extension of this edge of the settlement. The permitted developments total 76 dwellings, and the permissions have been implemented. The intention of the applicant is to deliver a comprehensive development of this northern edge of the settlement comprising the three permitted sites and the further portion of land. This outline planning application seeks permission for that comprehensive development, and it is important to note that of the 129 dwellings proposed, 76 are already approved (on sites A, B and C in the plan below). This constitutes 59% of the development applied for. In real terms, the application seeks permission for an additional 53 dwellings.

The net additional dwelling number is now 47, with 62% of the total dwelling number proposed having already received permission.



3. The application is a resubmission of application H18-0824-20 which was refused under delegated powers on 21 January 2021. Permission was refused for two reasons. The first reason for refusal alleged that the proposal failed the sequential test for flood risk. The second reason for refusal alleged that given the location of the site outside the settlement boundary, the proposal was not in accordance with the spatial strategy for the District with related visual impact. Conflict was identified with the following development plan policies:-

Reason 1: Policy 4

Reason 2: Policies 1, 2 and 3

The development plan comprises the South-East Lincolnshire Local Plan, adopted in March 2019.

4. In submitting this application, the applicant is seeking dialogue with the LPA to review and discuss the material planning considerations a year on from the previous refusal. This statement has not been prepared to a standard format, but instead seeks to focus upon the particulars of the reasons for refusal and identifies material considerations that can inform the discussions. In short, the applicant considers that the planning balance falls in favour of the proposal.

Spatial Strategy

5. The Local Plan guides the development and use of land in South East Lincolnshire from 1 April 2011 to 31 March 2036. Paragraph 2.5.1 of the Local Plan sets out the vision that underpins the Plan. This states, inter alia:-

“By 2036 growth will be concentrated in South East Lincolnshire’s most sustainable settlements, taking into account the sensitivity of the predominantly rural, flat, open landscape and the risk of flooding. The majority of development will be focussed in Boston and Spalding, but there will also be an appropriate level of growth in some of the area’s smaller towns and villages to ensure that they remain resilient and sustainable.”

6. Policy 1 sets out the spatial strategy that flows from this vision. It divides settlements into four categories:-
 - (i) Areas to where development is to be directed;
 - (ii) Areas of limited development opportunity;
 - (iii) Areas of development restraint; and
 - (iv) Countryside.

The settlement of Sutton Bridge is one of 9 settlements across South East Lincolnshire designated a 'main service centre', which fall within category (i) above. Development is to be directed there. The policy states:-

"Within the settlement boundaries of the Main Service Centres (as shown on the Inset Maps) 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."

7. It is accepted as a matter of fact that the outline application site adjoins but is on the outer side of the settlement boundary at Sutton Bridge. In strict terms, it is therefore within category (iv) and subject to restraint. However, there is no doubt at all that the net addition of 53 dwellings would be in accordance with the spatial strategy if positioned inside the settlement boundary. It would support the role as a service centre, help sustain existing facilities and meet the service needs of other local communities. This would be a windfall opportunity permissible irrespective of any allocation in the Local Plan. Further, it is indisputable that the proposed net increase of 53 dwellings would just as readily contribute to the sustainability of the settlement whether inside the settlement boundary or adjoining it.
8. Chapter 5 of the Local Plan applies the spatial strategy to the delivery of new housing. Within the Plan period, South Holland is required to plan for the delivery of 467 dwellings per annum, but in the first 6 years of the Plan period, it delivered only 47% of that requirement. The Plan looks to remedy this by spreading the shortfall over the entirety of the remaining Plan period. Paragraph 5.3.2 of the Plan states:-

"The allocated sites identified on the Inset Maps are those that are considered to best meet the requirement for each settlement. The allocated sites in the Local Plan and existing planning permissions will be relied upon to meet the assessed housing needs for Boston Borough and South Holland (2011-2036) identified in Policy 10. It should be noted that this will include the needs to be met for both market and affordable housing." (our underlining)

9. Policy 11 applies a dwelling requirement figure to each of the settlements, to be met by allocation, extant permissions and dwellings constructed between 2011 and 2017, For Sutton Bridge, the figure is 273. A single allocation is made at Sutton Bridge, site Sub027. The site measures 10.25 Ha, and the allocation is for 210 dwellings.
10. Policy 12 identifies a series of reserve sites, described within the policy as follows:-

"These are sites that will be brought forward for development in the event that the allocated sites do not deliver housing development at the expected rate as expressed in the Housing Trajectory (Appendix 4: Expected housing completions)."

No reserve site is identified at Sutton Bridge. Thus, the Plan is entirely reliant upon site Sub027 delivering housing in accordance with the housing trajectory at its Appendix 4. That appendix relies upon the following delivery from site Sub027:-

2022/23	12 dwellings
2023/24	25 dwellings
2024/25	25 dwellings
2025/26	25 dwellings
2026/27	25 dwellings
2027/28	25 dwellings
2028/29	25 dwellings
2029/30	25 dwellings
2030/31	23 dwellings

This is a very modest year on year delivery number. To our knowledge¹, there has been no pre-application enquiry at this site, and no planning application submitted. There will certainly be no delivery of development within 2022/23, and there is no apparent evidence that it will be delivering dwellings beyond that. This conclusion is reinforced when one looks at the SHLAA proforma for the allocated site. It anticipates delivery of 25 dwellings in the period up to 2021, and 125 dwellings by 2026. The proforma nonetheless makes this less than compelling statement:-

“if it is allocated, there is a reasonable prospect that it would be developed although commencement may be delayed by the need to improve the water and foul sewerage network (assumed to begin in year 10, and be completed before year 20).”

Although we are not aware of the details and have been unable to find these within the Local Plan evidence base, there is an acknowledged infrastructure constraint on the delivery of the allocated site. That constraint does not apply to this application site.

11. The SHLAA is dated July 2018. Prior to that, in June 2016, a Housing Paper was published by the LPA specifically in relation to Sutton Bridge. This put forward a Local Plan housing requirement of 210 dwellings (now 273). It also identified that as at 31 March 2016, 43 dwellings had been permitted at Sutton Bridge. This left a residual of 167 to be identified. The paper identified Sub027 (incorrectly designated site Sub013 in the paper) as the preferred allocation. It then noted:-

“The overall capacity of this site is 207 dwellings (at 20/hectare), which is slightly above the residual requirement of 167 dwellings. However, the southern part of this site has a higher flood risk than the majority of the site (Flood Zone 3a, flood hazard in 2115 is

¹ On 5 January we emailed the LPA’s policy team seeking confirmation of any active promotion of the site, but to date have not had a reply.

classified as 'danger for all', and flood depth in 2115 is classified as '1-2m') and it may be more appropriate to locate open space in that location. It is therefore considered that the density for this site should more appropriately be approx. 162 dwellings."

The inability of Sub027 to be wholly developed is reaffirmed in the Joint Strategic Planning Committee's response to questions posed by the Inspectors at Examination. The Committee stated:-

"The Housing Paper is correct in stating that the southern part of the site has a flood depth of 1.0m-1.0m [sic], which equates to approx. 19% of the site as a whole. The three reasonable alternatives in Sutton Bridge which are capable of accommodating 10 or more dwellings (the allocation threshold) (Sub016, Sub018 and Sub024) all have a greater percentage of the site exposed to a flood depth of 1.0m-2.0m. Although Sub013 is predicted to only be exposed to flood depths of up to 1.0m, it is considered that this site would have a greater landscape impact as it does not relate as well to the existing built-up area as Sub027. Furthermore, given that the southern part of Sub027 is adjacent to the A17, it will likely be necessary to incorporate some noise attenuation features into the scheme which could mean that open space or some other buffer is located to the south of the site, thereby ensuring that housing development is located away from the area classified as 1.0-2.0m as much as possible."

This appears to confirm that c.19% of the allocated site would not be developable, and should be excluded from a net density calculation. The net site area is thus 8.3 ha, not 10.25 Ha. This equates to 166 dwellings at 20 dph, close to the figure identified in the Housing Paper on which the Committee relied. This deepens the mystery as to how the site yield has increased to 210 dwellings in the Local Plan.

The Case Officer has confirmed that "It would unfortunately seem that the discussion/conclusion in the housing paper simply hasn't been reflected in the numbers written in the final version of the plan. The site capacities indicated in Policy 11 for the Main and Minor Service Centres are intended to be based on 20 dwellings per hectare." Consistent with the development plan approach to capacity of allocated sites, the assumed yield from Sub027 should be 166 dwellings. Should the allocated site ever come forward, its precise yield will be a function of design and layout so could be higher or lower. However, given the Officer's confirmation it has to be accepted that the figure in the adopted Plan is not soundly based, and for present purposes it is to be assumed that the allocated site would yield 166 units, as to do otherwise would be inconsistent with the remainder of the Plan. This leaves a dwelling shortfall by allocation of 44 at Sutton Bridge.

12. The paper also identified a trajectory, with 50 dwellings being delivered by Sub027 by 2021, and 112 by 2026.

13. Between the Housing Paper, the SHLAA and the adopted Local Plan, the planned delivery from Sub027 by 2021 has chronologically fluctuated from 50 dwellings, to 25 dwellings, then to none at all. A further curiosity is that whilst the site area has not changed, the yield has increased from 167 to 210, notwithstanding the Housing Paper's caution about the inability to develop the southern portion of the site. It may be that the promoters of Sub027 have provided additional information along the way to influence these changes, but it is noted that Appendix 4 to the Local Plan comments:-

"Agent indicates that discussions with housebuilders are on-going."

This implies that through the Plan preparation process, the changes in dwelling yield and delivery were not underpinned by housebuilder input. Further, in the Housing Implementation Strategy dated March 2017, an evidence base document for the Examination, site Sub027 (referred to as Sub013) is the only proposed allocation in the Plan area that has an entirely blank entry in the status column, whereas for all other sites developer interest or some other activity is set out:-

Site reference	Number of dwellings	Status
Pinchbeck		
Pin002	26	The site is being promoted by a willing landowner.
Pin019	34	The site is being promoted by willing landowners.
Pin065	49	The site is being promoted by willing landowners.
Sutton Bridge		
Sub013	210	
Sutterton		
Sut009/028	263	The site is being promoted by willing landowners.
Swinehead		

14. Based upon the information available to us, the overall picture is that the deliverability and yield of the allocated site has been mercurial. At Examination, the Committee expressed with some confidence, but scant evidence, that Sub027 would be released in a timely manner:-

32. The residual housing requirement for the settlement is largely proposed to be met by a single allocation, site Sub027. Is this strategy sufficiently robust to respond flexibly to possible changing circumstances in the future, including in relation to site delivery? Would it be likely to enable a range of types of houses to be provided within the settlement and meet the needs of all sections of the community?

Joint Committee Response

The agent acting for the owners indicates that discussions are on-going with housebuilders, and the Joint Committee is confident that it will be released in a timely manner. The Housing Implementation Strategy which accompanies the Plan sets out the mechanisms that will be deployed should sites not come forward as expected. The Local Plan policy 'Providing a Mix of Housing to Meet Housing Needs' should ensure that a mix of property types and sizes are provided and that the needs of all sections of the community are met.

The observations that we have made in this statement in fact demonstrate that the allocated site is not delivering in a timely manner. It is curious and unfortunate that a reserve site was not designated at Sutton Bridge, notwithstanding that our clients made representations that this would be prudent.

15. This outline planning application is not made with the intention of re-writing the Local Plan: that is not the role of a planning application. However, it is legitimate to make material points about the deliverability of new housing at a settlement which is intended to be a focus for such, and it places in important context the acceptability of 53 net further dwellings. Those dwellings would be delivered as part of a comprehensive development that has already been commenced. There is every reason to consider that they would be delivered in a timely fashion.

This is in stark contrast to relying on an allocated site which:-

- **Is given an inconstently high yield which derives from an error in process**
- **Has no concrete evidence of being brought forward for development**
- **Is subject to an identified infrastructure constraint**

16. Further, the Local Plan housing requirement is not a ceiling, but a minimum amount of housing to be delivered to meet the needs of the area. The Council's 2018/19 monitoring report (the most recent we can find) includes the following table:-

	2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	
BB Urban	179	364	212	106	120	86	31	117	100	162	293	250	252	Total Urban 2018/19 = 603 (65%)
SH Crowland	15	28	5	3	3	11	1	32	4	4	5	12	45	
SH Holbeach	29	34	24	11	48	6	4	15	35	37	21	25	50	
SH Long Sutton	28	19	5	20	5	3	40	1	40	10	8	12	11	
SH Sutton Bridge	42	18	3	12	18	4	0	3	12	3	2	1	3	
SH Spalding	145	336	287	158	78	71	125	175	160	145	154	129	242	Total Rural 2018/19= 319 (35%)
SH Rural	89	105	94	78	50	72	29	44	51	93	76	115	142	
BB Rural	102	139	76	33	66	5	33	58	9	18	59	144	177	

Source: Boston Borough Council and South Holland District Council

This shows that in the first 8 years of the Local Plan period, only 28 dwellings were delivered at Sutton Bridge. This is the lowest of all the comparable settlements in the table. At the annual rate envisaged in the Local Plan ($270/25 = 10.8$), the delivery should have been 88 units. We are not aware of any affordable units having been delivered at Sutton Bridge during the Plan period.

17. The overall picture is that there has been little development activity at Sutton Bridge, yet this is a settlement designated for growth. It is a sustainable location. The voracity of the

allocated site is unclear. The LPA has resolved to grant planning permission for 70 dwellings outside the settlement boundary on land north of the village:-

LPA application reference H18-1168-16

Land north of Withington Street

10 dwellings

All matters reserved

Outline permission 12/5/17

LPA application reference H18-0692-19

Land north of Withington Street

10 dwellings

Reserved matters pursuant to H18-1168-16

Approved by the LPA 15/10/19

LPA application reference H18-0435-18

Land north of Nightingale Way

Approximately 60 dwellings

Access included in outline application

Outline permission issued 1/3/19 (s106 relating to affordable housing, education and health contributions)

LPA application reference H18-1167-19

Land north of Nightingale Way

Erection of 60 dwellings

Reserved matters pursuant to H18-0435-18

Approved by the LPA 31/3/20

18. These 70 dwellings (plus 6 allowed at appeal) have been permitted notwithstanding that they were unallocated sites outside the settlement boundary. The LPA appears to have granted permission in the context of a housing supply deficit, but nonetheless it is evident that the settlement boundary is not sacrosanct, nor should it be when the housing needs of the settlement are not being met. It is of interest that the most recent assessment of 5 year housing land supply, whilst including delivery from the permitted sites north of Sutton Bridge, does not include any delivery from the allocated site, i.e. up to March 2026. The Local Plan trajectory has 162 dwellings being delivered from the allocated site by that time. In effect, the housing land supply assessment accepts that our client's land can deliver in the next 5 years, but the allocated land cannot.
19. As part of a comprehensive development of land north of Sutton Bridge, where the settlement boundary has already been breached, the net additional 53 dwellings will make a valuable contribution to supporting the sustainable growth of the village, and supporting the services and facilities within it. They will also contribute to filling the gap

left by the delayed delivery of the allocated site. The conflict with the spatial strategy will be limited to the settlement boundary issue, and we consider that in the circumstances of Sutton Bridge as outlined above, and the spatial strategy when looked at as a whole, the additional development would not undermine that strategy and if anything support it by helping to kick-start development in a sustainable location.

20. In this statement we do not seek to demonstrate a deliverable housing land supply of less than 5 years². As at 31 March 2021, the LPA identifies a supply of 8.5 years. An observation that we would make on the supply assessment is that it relies upon 423 additional completions since 2011 having been discovered consecutively over 3 years from 2017 to 2020. It is not clear from the associated footnotes whether any double counting has inadvertently been done in this respect.
21. Finally in relation to housing supply matters, the delivery of affordable housing is an important material consideration. Policy 18 of the Local Plan identifies an annual need of 282 affordable dwellings in the District, representing 60% of the total housing need. Over the period 2011/12 to 2018/19, the 2018/19 monitoring report identifies 1309 affordable completions, which equates to 163 per annum. The report comments that this delivery has been well below the requirement. We are unable to locate a more recent monitoring report or other documentary evidence of completions since 2018/19 via the LPA website. However, the shortfall in affordable housing provision at 2018/19 is 947 units, and it is highly unlikely that the shortfall has been made up. Delivery does not appear to be keeping up with need as identified in the Local Plan: at Sutton Bridge, the small number of small developments that have been delivered under this Local Plan will not have provided any significant affordable element. The affordable housing needs of the settlement can only be met through major scale applications. The application proposal would deliver a net additional 13 affordable units. This is a weighty positive material consideration in support of the proposed development.

The Case Officer has obtained a completion figure for affordable housing for the period April 2018 up to end of February 2022. The completions in that period total 548. There is a one year overlap with the monitoring report period above (2018/19), but setting that aside we now know that 1857 affordable units have been delivered District-wide in the period April 2011 to February 2022. This equates to 169 dwellings per annum³, compared with a development plan identified annual need of 282, or 3102 over 11 years. Only 60% of the identified annual need has been met. In the context of this major shortfall in meeting identified affordable housing needs, the development plan's reliance on allocated sites to deliver affordable housing (paragraph 5.3.2 of the plan as highlighted above) is brought into sharp focus, particularly at Sutton Bridge as the only category (i) settlement with no reserve allocation.

² Without prejudice to any detailed assessment that may be undertaken in the future, including at appeal.

³ The actual figure will be lower when the 2018/19 overlap is factored in, assuming some affordable units were delivered in that year.

The approved Nightingale Way development will deliver 15 affordable units (25%) in accordance with Policy 18 of the development plan. The plan relies upon Sub027 to deliver 53 affordable dwellings (at an erroneous yield of 210). In the circumstances of the allocation, every opportunity should be taken to deliver affordable units at this category (i) settlement. The 123 dwellings proposed would deliver a net additional 16 affordable dwellings at the development plan rate of 25%, thus more than doubling the affordable delivery for the settlement.

Furthermore, as a new feature of the application, the applicant is prepared to designate three further additional 2-bed units for affordable rent, bringing the affordable percentage to 28%.

Settlement Boundary and Visual Impact

22. The reasons for refusal alleged conflict with Policy 2 (Development Management) and Policy 3 (Design) of the Local Plan.
23. It is assumed that the element of alleged conflict with Policy 2 is in respect of criterion (i) which refers to *“size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses””*. We further assume that it is only the underlined portion where conflict is said to lie.
24. In relation to Policy 3, it is assumed that the conflict relates to the provision 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”*.
25. The reason for refusal articulates the alleged harm as follows:-

“There are open views across the fields to the north of Sutton Bridge when viewed from the Public Right of Way at the east of the site (SuBr/1/1). The additional dwellings over and above those already approved would arguably create a more dense and urbanised edge to the settlement than would otherwise exist due to the number of properties proposed (36) along the northern side of the non-permissioned part of the site. There are currently only 6 dwellings that immediately adjoin the southern boundary of that part of the site, as well as the school. This would increase to 10 if the two smaller sites were to be developed. Notwithstanding the fact that the western and southern parcels of the site can reasonably be expected to be developed, and the opportunities to provide some mitigation in the form of landscaping, a further 36 dwellings along the northern edge would clearly create a more uniform and urbanised appearance than would otherwise exist.”
26. The application is supported by a landscape and visual assessment undertaken by an experienced consultant, in accordance with industry professional standards in GLVIA3. The conclusion of the LVIA in respect of landscape is:-

“the proposed layout has been informed by the approved schemes within the southern and western parts of the site as well as the adjoining townscape to the south. It is considered that the proposals will not give rise to any significant adverse effects upon the receiving landscape character of the site or its wider setting, as identified by the published assessments and this LVIA”

And in respect of visual effects, the conclusion of the LVIA is:-

“It is acknowledged that there will be some localised significant adverse effects upon views from the footpath which abuts the eastern and western site boundaries, however, there are opportunities to introduce landscaping along these boundaries that will mature to integrate the proposals. Furthermore, the effect of the proposals upon the footpath on the western boundary was considered acceptable by the Council in relation to the approved scheme. It is considered that the proposals can be integrated without giving rise to long term significant adverse effects.”

27. The applicant stands by the LVIA assessment and conclusions, and considers the adverse impacts alleged by the LPA to be unsustainable. The LPA did not raise concerns regarding landscape or visual impact in relation to the permitted scheme for 60 dwellings off Nightingale Way (as opposed to identifying harm but that harm being outweighed by housing land supply). The approved Nightingale Way portion of the current application (labelled site A on the plan earlier in this statement) is a more prominent extension of the village edge than the additional 53 dwellings now proposed.
28. We do not understand the LPA to be arguing that, by definition, there is harm to landscape and visual amenity by virtue of the settlement boundary being breached. This would be a slavish application of policy, which would fail to reflect that the settlement boundary is a control mechanism, rather than an assessment of landscape and visual value.

With the benefit of the recent meeting, we understand the Officer concern about visual/landscape effect to be how the new settlement edge would appear from the public right of way to the north, and specifically a concern that the built edge to the net additional part of the site may be too regimented in appearance. In response, the project architect has omitted 6 units from the layout, enabling the targeted introduction of non-built space at the northern site edge. This is shown on the amended drawings being submitted alongside this statement. The approach to detailed landscaping in the net additional area will reflect the landscaping scheme approved at reserved matters for the Nightingale Way portion of the development. An extract from the amended layout is reproduced below.



Flood Risk

29. We are not going to address flood risk considerations in any detail within this statement, simply because other application documents do so and the matter was well rehearsed in the previous application.
30. In policy terms, Local Plan Policy 4 is cited in the reason for refusal. The allegation within the refusal is that the proposed development has not passed the sequential test. The extensive flood risk information submitted with the application demonstrates that the application site is a sequentially preferable location at Sutton Bridge. As a ready summary, we would refer to paragraphs 34 to 41 of the submitted Design and Access Statement, which draws together the key considerations. In short, the Strategic Flood Risk Assessment which formed the key part of the evidence base for the Local Plan is out of date. It follows that the Local Plan policies on flood risk, and any other policies founded on the SFRA are also out of date. This raises an argument that the NPPF presumption in favour of sustainable development applies, as the most important policies for determination of the application are out of date. This is a decision-making approach that we look forward to discussing with the case officer during the consideration of the application.
31. It is noted that the reason for refusal also alleges that the sequential test is not passed as land with a lower risk of flooding elsewhere in the District is not covered. Policy 4 has this to say in that respect:-

“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.”

32. Sutton Bridge is a focus for development given its sustainable location. For this reason, the LPA has allocated development to it in the Local Plan. Our position in this application is that the net additional 53 dwellings are needed in order for the settlement to fulfil its main service centre role, including the delivery of affordable housing. In this circumstance, it is considered perverse to contemplate that the dwellings should be located elsewhere. Policy 4 allows for flexibility in the spatial extent of the sequential assessment, and we consider that it is properly applied to Sutton Bridge only.

At our meeting, the Case Officer confirmed that the sequential test would be applied to Sutton Bridge, and not District-wide.

33. Finally on flood risk, it is worth reflecting upon the rationale for continued allocation of Sub027 in the Inspectors’ report of the Local Plan Examination. At paragraph 191, the Inspectors state:-

“In the case of Sutton Bridge, for example, the issues of flood risk are relatively finely balanced and the housing requirement for the settlement is proposed to be met by a single allocation, site Sub027, which does present some risks to delivery. However, in this particular case, the consideration of access arrangements outweighs these issues and provides sufficient justification for the allocation, which is soundly based.”

34. We do not know what access arrangements are being referred to. What is clear however, is that Sub027 was not supported because it was a clear frontrunner in sequential testing terms: it was apparently supported by a concern about access arrangements to another site.

The Case Officer has clarified that the access issue being referred to appears to be the suitability of Granville Terrace, Withington Street and Chestnut Terrace to serve additional development at the northern edge of Sutton Bridge. However, the development proposed in this application includes no access via Granville Terrace or Chestnut Terrace, and no highways reason for refusal has been pursued in relation to the proposed development.

Conclusion

35. In conclusion, the proposed development complies with the development plan, and other material considerations indicate that permission should be granted. We look forward to discussing the application in light of the above.

THE PLANNING BALANCE

36. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that where regard is to be had to the development plan in the exercising of planning functions, the determination shall be in accordance with the plan unless material considerations indicate otherwise. The development plan comprises the South-East Lincolnshire Local Plan, adopted in March 2019, and is the starting point in considering the planning balance.

37. In its determination of application H18-0824-20, which was refused under delegated powers on 21 January 2021, conflict was identified with the following development plan policies:-

Reason 1 (flood risk): Policy 4

Reason 2 (settlement policy): Policies 1, 2 and 3

38. Policy 4 sets out the approach to flood risk. The reasons why the applicant considers the proposed development to be not in conflict with Policy 4 have been well rehearsed in the previous and current applications. In particular:-

- The application has the benefit of site-specific levels data that demonstrates the application site is at no greater flood risk than the allocated site
- The allocated site has been identified as being preferred, the LPA having sequentially assessed land within the settlement boundary through preparation of the Local Plan
- There are thus no sites within the settlement boundary that are sequentially preferable to land outside the settlement boundary
- The allocated site has been identified based upon SFRA data that is out of date
- The majority of the proposed development is on land already accepted by the LPA as being appropriate for development in flood risk terms
- The balance of the application site has been demonstrated to be at no greater flood risk than the approved portion and
- The LPA accepts that the sequential test should be limited to Sutton Bridge, given its strategic growth role.

39. In light of the above, we consider that there is no conflict with Policy 4. The policy states Inter alia:-

“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. “

Further, it states:-

“highly vulnerable development in FZ2 and more vulnerable development in FZ3 (should) provide wider sustainability benefits to the community that outweigh flood risk.”

And at paragraph 3.5.4:-

“The proportion of growth allocated to settlements has therefore been distributed according to the sustainability of the settlement balanced against the risk of flooding.”

40. The flood risk policy position at Sutton Bridge is therefore that the LPA has allocated 280 dwellings as part of its growth status, striking a balance between flood risk and wider sustainability objectives. However, those wider objectives are not being fulfilled through the allocated site for the reasons we have set out in this statement. It has been demonstrated that the application site is at least equivalent to and arguably superior to the allocated site in flood risk terms. The application site passes the sequential test.
41. The application proposal also provides clear sustainability benefits to the community, in accordance with the development plan vision that *“there will also be an appropriate level of growth in some of the area’s smaller towns and villages to ensure that they remain resilient and sustainable “*. The provision of a net additional 49 dwellings will make an important contribution to this overarching strategic objective. Especially in the absence of the allocated site making progress. In addition, the delivery of affordable housing in the context of a major undersupply both District-wide and at Sutton Bridge will be an important sustainability benefit. The exception test is passed.
42. Turning to Policies 1, 2 and 3, as we have set out it is our understanding from the Officer meeting that this alleged conflict has arisen from concern about visual appearance of the additional development edge. The proposal has been amended to address this concern. Notwithstanding the applicant’s position that the proposal as submitted gave no rise to conflict with these policies, the amendments have been submitted in a positive spirit as a response to the discussions.
43. Policy 1 provides for development to take place within settlement boundaries. This is the only prima facie conflict with the development plan in our view. We do not understand the LPA to pursuing this forcibly however, instead focusing upon visual effects of the development as proposed.

Other Material Considerations

44. There are a number of material considerations that weigh in favour of the grant of planning permission:-

- The housing requirement for Sutton Bridge is a minimum requirement, not a ceiling
- Other than the application site, there is no evidence of any meaningful contribution being made to housing delivery from other sites, including the allocated site
- In contrast, the deliverability of the application is well evidenced, including by the discharge of conditions
- Even if the allocated site is delivered, it can only be expected to provide for 166 dwellings, if the development plan is to be applied consistently
- The net additional dwelling number from this application (47) is very similar to the shortfall from the allocated site (44) so would 'plug the gap'
- Sutton Bridge has not experienced any affordable housing delivery, whereas the application proposal would deliver 34 affordable units in accordance with the housing mix set out in the development plan (three of those units being voluntary additional provision that exceeds the Local Plan requirement)
- The delivery of housing will contribute to the economic and social sustainability of this growth settlement, as intended by the development plan and
- The majority of the proposed development is already permitted, and the proposal will provide for a comprehensive and well planned addition to the northern edge of the settlement.

45. In our opinion these material considerations clearly outweigh the Policy 1 conflict arising from the breach of the settlement boundary, and indeed that boundary has already been breached by a substantial, approved part of the proposed development. In all of the circumstances we have set out, a slavish adherence to the settlement boundary would not be positive planning, would not be to the benefit of Sutton Bridge and would frustrate the development plan's vision and spatial strategy for directing growth to this category (i) settlement.

Tilted Balance

46. We have noted the argument that the most important policies of the development plan in this case are not up to date, given that they are underpinned by the SFRA which does not utilise the most recent flood risk data. However, given the conclusion above on the normal planning balance, it follows that application of the tilted balance would also find in favour of the development and it is not necessary to address it in detail.

Section 106 Obligations

47. The applicant accepts that in order for outline planning permission to be granted, it would be necessary to enter into s106 obligations to ensure the delivery of affordable housing and any infrastructure necessary to meet the needs arising from the

development. In the event that Officers are minded to support the application, we would be happy to discuss any obligations and seek client instructions on them.

Insight Town Planning Ltd

29 March 2022