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## TOWN AND COUNTRY PLANNING ACT 1990 OUTLINE

**Reference:** H18-0824-20 **Date of Decision:** 21st January 2021  
**Applicant:** Loyd Homes Ltd.  
1st Floor  
15 St Cuthberts Street  
Bedford  
MK40 3JB  
**Location:** Land Adj. Nightingale Way, Granville Terrace, Withington Street & Chestnut Terrace Sutton Bridge Spalding  
**Description:** Residential development of 129 dwellings (including 32 affordable units), site access and associated external works.

**South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):**

- 1 The National Planning Policy Framework (2019) (Section 14) requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. Furthermore, Policy 4 of the Local Plan requires it to be demonstrated that there are no other sites available at a lower risk of flooding.

The South East Lincolnshire Strategic Flood Risk Assessment (2017) (SFRA) is the basis for applying the flood risk Sequential Test in South Holland district. The hazard and depth maps are utilised (in that order) when determining flood risk and carrying out the Sequential Test. The SFRA shows the application site as sitting within a combination of hazard zones - 'Danger for All' and 'Danger for Most'. The depth mapping shows a range of between 0.5m - 2.0m. Almost the entirety of the unpermissioned part of the site sits within the 'Danger for All' hazard zone.

The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. The application site is not a housing allocation in the Local Plan. The Sub027 housing

allocation is considered to be sequentially preferable in flood risk terms to both the parcel of land within the application site that does not currently benefit from planning permission, as well as the wider site as a whole. Outside of Sutton Bridge, there are other housing allocations that are subject to lower hazard than the application site.

Given the above, it is considered that the proposal fails the sequential test as there are alternative sites appropriate for residential development that are reasonably available and which are located in areas with a lower risk of flooding. The proposal is therefore contrary to Policy 4 of the Local Plan, as well as advice within Section 14 of the National Planning Policy Framework, 2019.

- 2 The application site is located outside of the settlement boundary of Sutton Bridge as outlined in the South East Lincolnshire Local Plan (March 2019) (SELLP). As per Policy 1 of the SELLP it is classed as being in the 'Countryside' in planning policy terms. Policy 1 states that development in the Countryside will only be "permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits".

It has not been demonstrated that the proposed housing development is necessary to this location and it is not considered to be a type of housing that requires a countryside location. This is particularly the case in this instance where the Council has a recently adopted development plan with a spatial strategy setting out how the housing needs for the area will be met. In addition, the Council has an identified 5-year housing land supply (9.1 years as at 31st March 2020).

Furthermore, although the proposal would bring some social and economic benefits, these factors are outweighed by the harm that the proposal would cause in terms of its environmental effects.

It is acknowledged that 76 of the 129 dwellings proposed already benefit from extant reserved matters approvals and thus there would be a change to wider landscape character of the area if these permissions were built out. However, this latest proposal would result in residential development protruding onto greenfield land to a greater extent than previously considered. 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. Policies 2 and 3 of the SELLP give weight to protecting the character and appearance of the area, as well as consideration of the relationship with existing development and land uses. These policies are in general conformity with Sections 12 and 15 of the National Planning Policy Framework (2019). The proposal would further urbanise the edge of the settlement to the detriment of the character and

appearance of the locality. It would therefore be contrary to both local and national policy in this regard. Furthermore, as outlined in the first reason for refusal, the proposal fails the flood risk sequential test, which is also a relevant environmental consideration.

For the reasons outlined above the proposal is considered to be in conflict with the SELLP (Policies 1, 2 and 3), as well as Paragraphs 8 and 12 and Sections 12 and 15 of the NPPF. Paragraph 12 reiterates that the development plan is the starting point for decision making and that where a proposal conflicts with an up-to-date development plan it should not usually be granted. There are not considered to be material planning considerations that would outweigh the harm identified in this particular case which would indicate that the plan should not be followed.

#### Notes:

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

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

The determined plans are:

LH/SBM/20/004 Rev B

LH/SBM/20/005 Rev B

LH/SBM/20/006 Rev B

LH/SBM/20/007 Rev B

LH/SBM/20/001 Rev C

LH/SBM/20/002 Rev E

LH/SBM/20/003 Rev C

LH/SBM/20/008

LH/SBM/20/009

1886/S/E101 Rev P1

1886/S/E102 Rev P2

1886/S/E103 Rev P2

1886/S/E100 Rev P1

24237-08-020-01

24237-08-TP-01 Rev A (Parts 1 - 4)

Transport Assessment (prepared by Mewies Engineering Consultants, dated September 2020)

BRI061 T01 Rev 0

BRI061 T02 Rev 0

BRI061 T03 Rev 0

BRI061 T04 Rev 0

3393-TD-NIGHTXX-DRG-AR-2000-P0

Flood Risk Assessment and accompanying appendices (prepared by SEA Structural Engineers, dated August 2020)  
Sequential Flood Risk Commentary (dated December 2020)  
Ecological Appraisal (prepared by Turnstone Ecology Ltd, dated 8th February 2019)  
Ecological Appraisal (prepared by Turnstone Ecology Ltd, dated 21st May 2019)  
Landscape and Visual Impact Assessment (incl. Appendices 5 & 6) (prepared by ES Landscape Planning, dated August 2020)  
Phase 1 Geo-Environmental Report (Land adjacent to Chestnut Terrace) (prepared by AGS Ground Solutions Ltd, dated 24th September 2018)  
Geo-Environmental Report (Land adjacent to Chestnut Terrace) (prepared by AGS Ground Solutions Ltd, dated 4th October 2018)  
Phase 1 Geo-Environmental Report (Land adjacent to Nightingale Way) (prepared by AGS Ground Solutions Ltd, dated 23rd April 2019)  
Geo-Environmental Report (Land adjacent to Nightingale Way) (prepared by AGS Ground Solutions Ltd, dated 10th June 2019)  
Covering letter (dated 26th November 2020)  
Design and Access Statement (Rev B, dated 25th November 2020)  
Management Arrangements (dated September 2020)



**Phil Norman**  
**Planning and Building Control Manager**  
**South Holland District Council**

**BUILDING REGULATIONS:**

This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or [bcadmin@sholland.gov.uk](mailto:bcadmin@sholland.gov.uk)

## RIGHTS OF APPEAL

### Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

### Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

| 12 Weeks                                | 6 Months                          | 8 Weeks                    |
|-----------------------------------------|-----------------------------------|----------------------------|
| Householder Applications                | Planning Permission               | Consent to Display Adverts |
| Minor Commercial Development            | Listed Building Consent           |                            |
| Agricultural Determinations             | Other Prior Approval Applications |                            |
| Householder Prior Approval Applications |                                   |                            |

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

### Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the

Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

### **Purchase Notices**

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

### **Compensation**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.