

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H21-0143-23 **Applicant:** Medleys Charity
Proposal: Erection of up to 28 dwellings
Location: Land Off Low Gate Tydd St Mary
Terminal Date: 21st March 2025

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
05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards
APPENDIX 9	Developer Contributions for Health Care Facilities
APPENDIX 8	Developer Contributions for Education Facilities

National Guidance

National Planning Policy Framework December 2024

Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
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PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	2
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	2
SHDC INTERNAL	0	0	0	5
OTHER STATUTORY BODIES	0	0	0	6
RESIDENTS	17	1	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an outline application (with ALL matters reserved) for residential development on land to the west of Low Gate, in Tydd St Mary.

The indicative site layout plan and application form indicate the intention for the site to accommodate 28 dwellings.

Site Description

The application site is 1.56ha and is agricultural land. The site is accessed off Low Gate. There is residential development to the north, east and west with a mixture of dwelling types. The site adjoins another agricultural field to the south, west and north west.

The site comprises a housing allocation outlined in Policy 11 of the South East Lincolnshire Local Plan (SELLP), 2019, under allocation ref. Tyd014 (1.54Ha). This allocation has an indicative site capacity of 31 dwellings.

History

None.

Consultation Responses

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

Lincolnshire Police

Lincolnshire Police do not have any objections to this application. This application has made use of a cul-de-sac style layout. This has been proven to help reduce crime and anti-social behaviour and enhance community cohesion.

Conservation Officer

I wish to raise no objections to this proposal from a conservation perspective. The site is not within the conservation area for Tydd St Mary and whilst the grade II listed Minerva Farmhouse is nearby, it is far enough away that this proposal cannot be said to risk altering the character of the setting of that site. However, due to the historic nature of Tydd St Mary as a village, it's appropriate to mention the potential need for archaeological investigation, which my colleague at the LCC Historic Environment Record should be able to confirm is necessary or not.

The case officer therefore should consider themselves free to continue to determine the application in accordance with P29 of the SELLP and S16 of the NPPF in addition to all other relevant policies and guidance.

NHS

This development would put additional demands on the existing GP services for the area and additional infrastructure would be required to meet the increased demands.

NHS Lincolnshire Integrated Care Board (LICB) wishes for the Section 106 contribution from the development of 28 dwellings on Land off Low Gate, Tydd St Mary to contribute to the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the South Lincolnshire Rural Primary Care Network (PCN) at Long Sutton Medical Centre. Alternatively the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need.

Requests a financial contribution of £18,480 (£660 x 28 dwellings).

After reviewing the practice response regarding their capacity to accommodate the increase in patient numbers arising from this development, it's requested that the trigger point for the release for funds for health care be set at payment of all monies upon completion of 50 percent of the dwellings for each phase of the development. This will ensure the practices are not placed under undue pressure. To ensure that there is sufficient time to carry out the works and allow the s106 funds to be spent in the most appropriate way, a repayment period of 10 years from receipt of the final payment transfer (for the entire development) to the relevant NHS body will be required.

Building Control

This needs to be an adoptable road for refuse collection and be able to withstand an 18T fire appliance.

Anglian Water

Assets

Section 1 - Assets Affected

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

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets

within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Sutton Bridge Water Recycling Centre that will have available capacity for these flows.

Section 3 - Used Water Network

This site falls within an area served by a vacuum sewerage system. These systems are different to conventional gravity system in that connections can only be made to an interface valve chamber, also known as a vacuum pot. These interface valve chambers have limited capacity and are only able to accommodate up to 4 properties or 0.5 litres per second. Connections are only permitted via gravity; a pumped connection is not permitted. The Developer will be required to employ the appropriate Vacuum contractor (Anglian Water will advise who this is, dependant on the existing vacuum system) to design and undertake the connection on their behalf. Due to the nature of the system, upgrades may be required to accommodate the proposed development. If there is insufficient capacity or pressure to accommodate the new development, Anglian Water will fund the necessary improvements downstream of the connection point. Please note that this can take up to 24 months to be implemented. We cannot begin this process until planning permission has been granted and the developer has made us aware of the proposals. Connecting new development before these upgrades are implemented could have a detrimental impact on the operability of the existing vacuum sewerage network and properties already connected. If Anglian Water are unable to deliver the required upgrades within the timescales of the development, the developer could consider the alternative option of a privately installed and operated package treatment plant. In these instances, permission from the Environment Agency would be required. As these are complex drainage systems, we request a precommencement condition be applied if permission is granted.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off.

Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

Used Water Sewerage Network (Section 3)

Condition Prior to commencement a scheme for foul drainage works shall be submitted to and approved in writing by the Local Planning Authority, in consultation with Anglian Water. Foul water drainage works must be carried out in complete accordance with the approved scheme Reason to prevent environmental and amenity problems arising from flooding.

Environment Agency

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment prepared by Ellingham Consulting, dated November 2022, ref: ECL0770/Robert Doughty Consultancy and the following mitigation measures detailed within section 5.2 of the FRA:

-Finished floor level of the dwellings to be set now lower than 3.2 metres above Ordnance Datum (AOD)

-Flood resilient construction to a height of 300mm above the finished floor level

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 4 of the South East Lincolnshire Local Plan 2011-2036.

North Level District IDB

My Board has no objection in principle to the above application, however, would make the following observations.

The boards School Drain forms the western and northern boundary to the site and whilst a 9 metre easement has been allowed, I would stress the importance of this being 9 metres from either the brink of the open drain or 9 metres from the centre of any previously piped sections of this watercourse.

Formal consent to discharge will be required together with payment of a development levy in accordance with the enclosed for dealing with the increase in surface water run-off from the site.

I would also raise concerns over any ground raising across the site, as this has the potential to increase flood risk to the existing properties, particularly those on Low Gate Road.

LCC Historic Environment Officer

The proposed development is located outside of, and some distance away from, the core of the medieval settlement of Tydd St Mary, in an area where there is no known archaeology.

In light of the available evidence and the corresponding low archaeological potential of the site it would not be proportionate to require any further archaeological input for this application.

Recommendation: no archaeological input required

SHDC Environmental Protection (noise and odour)

No objection. Request a construction management plan.

SHDC Environmental Protection (contaminated land)

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

Tydd St Mary Parish Council

Comments received on 08 March 2023:

Whilst the Parish Council do not have any objection to the proposed development in principle, they do however, have major concerns that need addressing prior to the commencement of any building.

- The Council's concerns mainly fall under Policy 3 & 6 of the SELLP
- This area already has a Vacuum Sewer for the current inadequacy of the wastewater system.
- The Village school is at capacity now (28 dwellings could potentially create another class of children)
- The local NHS health system is already under pressure; Local GP Practices are oversubscribed with residents already waiting days for appointments.
- There is no capacity for NHS dental care in the area.
- A footway on Lowgate from the development to Church Way would be needed.
- The width of the road in Lowgate does not lend itself to two-way traffic.
- Telecommunications coverage in the area is inadequate. Council concur with fellow consultees' replies and points to be adhered to within this development, and would like to work with Medleys Charity and the developers to achieve the best outcome for the good of the Parish

Comments received on 05 April 2023:

The Parish Council would like to apply for a £20,000 section 106 contribution.

The above development of 28 houses will need a play area (Open Spaces).

There is no play area within the plans of the development.

The Parish Council have a play area within 5 minutes' walk of the proposed development.

The play area is in need of updating its equipment and with an increase of users more equipment would be required

LCC Highways/SUDS

No objection subject to the Conditions and Informatives below:

The proposed development is on land that is Allocated within the South-East Lincolnshire Local Plan for residential use. A gap has been left in the row of dwellings along the west side of Lowgate to allow the formation of an estate road junction to serve this land and the outer tangents of the junction radius kerbs are already installed. The junction has suitable visibility for drivers' safe egress from the proposed development into Lowgate. There are existing footways along both sides of Lowgate to provide safe and suitable pedestrian access. Although this Application is for Outline Consent, with all matters reserved, the submitted details include an indicative layout that demonstrates that the number of dwellings proposed, along with all the necessary infrastructure such as the estate roads and footways car parking and a balancing lagoon for a sustainable drainage system, along with the Internal Drainage Board's 9 metre easement for the maintenance of their Board's watercourses bounding the site, can be accommodated within the site. The proposed development would not therefore be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon network capacity or increase surface water flood risk.

Planning Conditions:

Highway Condition 00

The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;

- the phasing of the development to include access construction;
- the on-site parking of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials;
- the on-site storage of all plant and materials used in constructing the development;
- wheel washing facilities;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

Highway Condition 26

Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.

Highway Condition 29

The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development.

Highway Condition 33

The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority. The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide flood exceedance routing for storm event greater than 1 in 100 year;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which, unless agreed otherwise with the surface water receiving body shall be restricted to 1.4 litres per second per hectare;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling/ no part of the development shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of, the permitted development.

LCC Education

Comments received on 24 February 2023

LCC Education have requested a financial contribution to the sum of £153,018; formed by the following:

- £127,515 - Secondary
- £25,503 - Sixth-form

This has been requested "as the development would result in a direct impact on local schools", with the contribution being "requested to mitigate the impact of the development at local level.

The request comprises a suggestion that "the S.106 monies are paid at the halfway point in the development to allow timely investment by the County Council whilst not adversely affecting the

developer's viability".

Comments received on 02 February 2024

Thank you for your notification of 16 February 2023, concerning the proposed development at the above site. I have now had the opportunity to consider the impact on the local schools reasonably accessible from the development. Please see below overview in relation to the impact, and details for primary, secondary and sixth-form that follow.

LCC Education have requested a financial contribution to the sum of £244,853; formed by the following:

- £91,835 - Primary
- £127,515 - Secondary
- £25,503 - Sixth-form

Lincolnshire Wildlife Trust

Lincolnshire Wildlife Trust does not wish to make comment on the proposal.

SHDC Strategic Housing

The site is an allocated site in the Local Plan and the applicant proposes a policy compliant 7no: units for affordable housing in the Design and Access statement. This is welcomed.

The affordable housing should be secured by way of a s106 Agreement attaching to the permission. The s106 Agreement should detail the tenure, mix, size and location of the affordable dwellings. The costs of the agreement must be met by the applicant. The Council has standard pro-forma agreements available.

The housing mix and tenure supported by the Councils Housing Needs assessment 2021 has been set out.

It would be preferable for the homes to be built to NDSS standards but a minimum of 85% of the space standard is required. Note that double bedroom sizes are required for the 1 and 2 bedroom units to maximise the affordable housing opportunity.

Policy also encourages homes that are capable of adaptation over time, it is unclear whether it is proposed any of the homes meet either M4(2) or M4(3) standards. It would also be useful to understand if the homes are proposing any low carbon use or emissions initiatives, again encouraged in the Local Plan but not a policy requirement.

The applicant should seek to secure a Registered Provider (RP) for the affordable dwellings at the earliest opportunity. The Strategic Housing Team can provide a list of RPs with stock in the local area should the applicant require this. The applicant and RP should be prepared to enter into a Nominations Agreement with the Council to ensure that the rented homes are let to households from the Council's Housing Register.

Sir John Hayes

I have been contacted by a number of constituents who are concerned about the impact this development will have on the village and surrounding area.

My constituents have advised me that they are worried about the sewerage system and whether it has the capacity to cope with an additional 28 dwelling. Furthermore, I understand the village school is oversubscribed so, this would need to be addressed along with the extra NHS provisions that would be required.

In addition, my constituents have expressed their concerns that Lowgate may be inadequate to accommodate the extra traffic movements that 28 dwellings would create, considering Lowgate is narrow and cannot really accommodate two way traffic.

Public Representation

This application has been advertised in accordance with the Council's Statement of Community

Involvement and the Development Procedure Order. In this instance, representations has been received from 18 number of residents.

- Query regarding housing tenure split
- Query regarding the S106 Agreement contributions
- Impact on residential amenities
- Impact on the character of the area
- Comments in relation to the indicative layout
- Impact on views from existing properties
- Flood risk, flood impacts and drainage
- Impact on Anglian Water
- Highway safety concerns and pedestrian safety impacts
- Inadequate road width and impact on traffic
- Noise disturbance
- Capacity of local school, doctors and public transport
- Impact on wildlife
- Devalue property
- Concerns regarding bats within the area

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 December 2024) 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 (2019) 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 (2019) 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 (2019) 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 2024) outlines, within Paragraph 61, 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".

Para 73 of the National Planning Policy Framework (December 2024) also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. This states that "Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes, 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 Tydd St Mary, a 'Minor Service Centre', and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of residential development within this location is considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

A matter of notable importance is that the site also comprises a housing allocation, as outlined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 11, which details the Housing Allocations, identifies the site as being ref. Tyd014 (1.54Ha), which has an indicative site capacity of 31 dwellings. Given the sites allocation, coupled with the aforementioned, the principle of this type of development on the application site has therefore already been established.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 and policy 11 of the South East Lincolnshire Local Plan (2019) 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 2024) specifically relates to 'Achieving well-designed 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 2024), states that new development should function well and add to the overall quality of the area (beyond the short term and over the lifetime of the development) and should be visually attractive as a result of good architecture, layout 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 (2019) 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 (December 2024), 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 (December 2024) 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.

This application comprises an Outline Planning Application with all matters reserved and as such, predominantly relates to the principle of residential development of the site and exact layout, visual appearance and scale of the proposed dwellings, as well as landscaping details, cannot be assessed at this stage as these would be assessed at the reserved matters stage.

Whilst development on greenfield land in this location would inevitably alter the character of this part of the village, this is a matter that was considered through the Local Plan housing allocation process. It is not considered that the impact would be such that it would significantly and demonstrably outweigh the benefits of delivering housing in this location. It is considered that the site could be developed in such a manner as to not materially harm the existing character and appearance of this part of the village.

In terms of density, the site is approximately 1.56ha in size and proposes 28 dwellings. Within Policy 11 of the Local Plan, the site capacity is listed as 31, which is a reduction of 3 units. Based on the indicative site plan submitted, it is considered that a suitable scheme is capable of being provided at that density, without materially harming the character and appearance of the area.

The application site is located within Environment Agency Flood Zone 3. The submitted flood risk assessment recommends that "the floor level of the dwellings is not lower than +3.2m OD. Furthermore, it is recommended that there is 0.3m of flood resilient construction above finished floor level". Setting finished floor levels at the recommended level above existing ground level, along with the further measures detailed, would mitigate against the flood risk identified and should ensure that the development is safe for its lifetime. Raising floor levels by this extent, if designed carefully, would not have a detrimental impact on the appearance of the property, adversely affect residential amenity or the character of the area.

Furthermore, it is noted that Tydd St Mary Parish Council have detailed the need for additional play area (open space) to serve the proposed quantum of houses. The proposed layout, although for indicative purposes only, indicates that the site can provide a sufficient level of open space. Given the outline form of this proposal, the specific layout of the scheme, including the location and size of open space has not been finalised. However, conditions have been recommended that would secure the need for these open space details to be provided at reserved matters stage, in order to comply with Policy 32 of the local plan, along with the need for a management plan to be submitted to ensure its future maintenance.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) and Section 12 of the National Planning Policy Framework (December 2024) as far as can be assessed at outline stage.

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2024) 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.

Details such as scale, layout and orientation of fenestration have not been subject to this outline proposal, and would be further considered at reserved matters stage. Notwithstanding the need to raise finished floor levels as a flood mitigation measure, it is considered that an acceptable standard

of residential amenity is capable of being provided. Satisfactory separation distances, boundary treatments and window arrangements can be factored in at detailed design stage and boundary treatments can be considered in respect of the resulting finished floor levels and ground levels of the associated gardens.

Impact on noise/vibration/disturbance/air pollution during the construction period (and thereafter) are considerations, but ones which only carry limited weight in the planning balance. The latter can, however, be addressed by a condition requiring the submission of a Construction Management Plan which details how these issues will be minimised during the construction process.

It is noted that comments have been raised regarding the impact caused by the proposed layout; however, the layout submitted is for indicative purposes only and these matters will be assessed at a later date during the detailed submissions through the reserved matters. Property value is not a material planning consideration.

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 2024), and Policies 2 and 3 of the South East Lincolnshire Local Plan (2019).

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2024) specifically relates to 'Promoting sustainable transport'. Paragraph 116 of the National Planning Policy Framework (December 2024) 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, following mitigation, would be severe, taking into account all reasonable future scenarios".

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

Further, Policy 36, to be read in conjunction with Appendix 6, of the South East Lincolnshire Local Plan (2019), 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 application site is located as to offer the opportunity to provide suitable and adequate access. The indicative layout illustrates a single main point of access to the site, along the main highway of Low Gate.

The Outline nature of the proposal is such that the access route, and parking arrangements have not been provided at this time; however, it is considered that the size of the site is adequate to ensure that sufficient parking could be accommodated on site. This should be adequately addressed within the submission of Reserved Matters.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3 and 36 the South East Lincolnshire Local Plan (2019), and Section 9 of the National Planning Policy Framework (December 2024).

Flooding Considerations

Section 14 of the National Planning Policy Framework (December 2024) explains that "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere".

This goes on to state, within Paragraph 172, that all plans "should 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 173 of the National Planning Policy Framework (December 2024) goes on to state that "A sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding", by following the steps set out within Section 14 of the National Planning Policy Framework (December 2024).

Paragraph 174 goes on to state that, "Within this context 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 strategic flood risk assessment being the tool to demonstrate this.

Paragraph 175 details that "The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)".

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

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

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan (2019) 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 a housing allocation in the Local Plan and is therefore a sequentially preferable site in flood risk terms.

The application proposal has been supported by a Flood Risk Assessment. The FRA sets out that the finished floor level of the proposed dwellings should be a minimum level of 3.2m AOD and comprise a flood resilient construction to a height of 300mm above the finished floor level.

Surface water disposal is detailed as utilising SUDS. The submitted strategy details that "as it is intended to have the road adopted under S38/S278, this will be designed to LCC Highways standards as a cross-fall road into a swale with an underdrain that will outfall into the pond". The strategy also details that "a control will be installed to discharge from the pond the accepted recommended minimum of 5l/s to the IDB drain. It is understood that this will attract an increased infrastructure charge".

Anglian Water detailed in relation to foul water drainage that "this development is in the catchment of Sutton Bridge Water Recycling Centre that will have available capacity for these flows".

In respect of drainage, conditions have been requested and will be attached.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework (December 2024) in this regard.

Developer Contributions

Policy 18 of the Local Plan requires the provision of about 25% affordable housing on-site on market schemes in South Holland. Within the application it has been specified that 7 affordable properties are proposed, this equates to 25%.

Furthermore, requests for financial contributions have been made by the NHS, as below:

- A potential total sum of £18,480 towards the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the South Lincolnshire Rural Primary Care Network (PCN) at Long Sutton Medical Centre. Alternatively, the funding may, where appropriate, be used to support expansion in capacity at an alternative general practice site as required to meet the local population health need.

This contribution comprises funding of £660.00 per dwelling. The consultation response from NHS Lincolnshire specifically addresses this by detailing that the table within the consultation response "shows the contribution formula which is based on the needs of a Primary Care Health Team and associated administration support. By applying average national list sizes to these groups and identifying the required area and furnishings, a total cost of £275 per patient is determined. This figure is multiplied by 2 (the average number of persons per dwelling for South Holland District Council) to provide a funding per dwelling of £660.00".

Requests for financial contributions have been made by Lincolnshire Education, as below:

- A potential total sum of £244,853 towards the expansion in capacity of the local schools. This has been requested at the halfway point in the development to allow timely investment by the County Council whilst not adversely affecting the developer's viability.

These contributions would be secured via a legal agreement.

In addition, it is noted that Tydd St Mary Parish Council have requested a sum of £20,000 in relation to their comments that the proposal of 28 dwellings would result in the need for additional play area (open space) to serve the proposed quantum of houses. Whilst there would be a need for open space within the scheme, as detailed above, the request for £20,000 has not been accompanied by detail of its policy need. The applicants agent has confirmed that they do not intend to provide this contribution through a formal S106 agreement and it is considered that the request has not been substantiated with a policy requirement as detailed within Policy 32 of the local plan. Therefore, this has not been put forward in any subsequent legal agreement. However, it is noted that the applicants agent has referred to the potential for monies to be provided for play equipment; nonetheless, this was a point raised as a civil matter and not to be included as part of this formal proposal.

Biodiversity & Ecology

Section 15 of the National Planning Policy Framework (December 2024) seeks to protect sites of biodiversity value, and minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures, including the need to incorporate features which support priority or threatened species such as swifts, bats and hedgehogs.

Paragraph 193 of the National Planning Policy Framework (December 2024) details that Local Planning Authorities should apply the following principles:

- "a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be

supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate".

Policy 28 of the South East Lincolnshire Local Plan (2019) 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 has not been accompanied by a Preliminary Ecological Appraisal, albeit the submitted Design and Access Statement detailed the site offers limited ecological value.

The local planning authority consulted Lincolnshire Wildlife Trust, with the response detailing that "Lincolnshire Wildlife Trust does not wish to make comment" on the proposal.

The site, whilst being identified as having limited ecological value, could offer potential for ecological enhancement and therefore an assessment would be required and will be attached by condition. This will require a Biodiversity Net Gain and would need to ensure there is not a material conflict with Policy 28 of the Local Plan.

When taking the above into account, whilst the development in this instance may be exempt from the mandatory 10% net gain given the timeframe for submission pre-dates February 2024, Biodiversity would remain appropriate, given the context of Section 15 of the National Planning Policy Framework (December 2024) and requirements of Policy 28 of the South East Lincolnshire Local Plan (2019), that conditions are attached, requiring a level of Biodiversity and ecological enhancement, including that impacting upon small species.

Planning Balance

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

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework (December 2024) when viewed as a whole.

The principle of residential development of this site has already been established by virtue of the housing allocation in the Local Plan. It is not considered that the proposal would materially harm the character or appearance of the locality or amenity of nearby residents if an appropriate design is brought forward at Reserved Matters stage. Flood risk and affordable housing/developer contribution matters are considered to have been appropriately addressed.

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

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not

including tackling prejudice and promoting understanding.

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

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

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

Human Rights

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

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

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3, 4, 6, 10, 11, 18, 28 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (2019), along with the identified sections contained within the National Planning Policy Framework (December 2024). There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Recommendation

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