

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 14 November 2023

(Author: Dan Allen - Principal Planning Officer)

Purpose: To consider Planning Application H23-0534-23

Application Number: H23-0534-23

Date Received: 07 June 2023

Application Type: RESERVED MATTERS

Description: Erection of 37 dwellings including road layout, scale, appearance and landscaping - outline approval H23-0827-22

Location: Land North of First Bungalow Stockwell Gate Whaplode

Applicant: Stinders Homes SPV4 Ltd.

Agent: H A Architectural Services

Ward: Whaplode and Holbeach St Johns

Ward Councillors: Cllr A C Beal
Cllr P A Redgate

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H23-0534-23>

1.0 REASON FOR COMMITTEE CONSIDERATION

- 1.1 The application raises planning considerations that warrant Committee consideration and the outline approval was determined at planning committee. The application has also been referred via Chairman's Panel, due to concerns raised.

2.0 PROPOSAL

- 2.1 This proposal seeks permission for the erection of 37 dwellings, through the submission of reserved matters, pursuant to outline planning approval H23-0827-22. This outline application granted outline permission for residential development, comprising 42 dwellings.
- 2.2 The application relates to 37 dwellings, forming the large majority of the application site pursuant to the outline permission, with the exception of five dwellings to the southernmost aspect of the site. The layout broadly reflects the indicative layout as submitted within the outline approval with an access road being formed directly off Stockwell Gate.
- 2.3 The 37 dwellings comprise:
House Type 1 - 4x four bed detached dwellings
House Type 2 - 12x three bed detached dwellings
House Type 3 - 4x three bed semi-detached dwellings
House Type 4 - 12x two bed semi-detached dwellings
House Type 5 - 2x one bed semi-detached dwellings
House Type 6 - 3x two bed terrace dwellings
- 2.4 A public open space, with a local area for play, is located within the proposal, to the eastern side of the site.

- 2.5 The outline permission is subject to a signed S106 agreement which provides for:
- 25 % affordable housing on site.
 - NHS: Financial contribution of £660 per dwelling (subject to any increases in accordance with the Health Care contribution formula) 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 Littlebury Medical Centre, Holbeach Medical Centre, and Moulton Medical Centre.
 - Education: Financial contribution of £204,024 towards additional secondary and sixth-form provision in the Holbeach Secondary Planning area (based on the formula as detailed within appendix b of the agreement).

- 2.6 As briefly outlined, these are based on a formulaic approach given that the permission was granted in outline form and as such, depending on the reserved matters subject to this application hereby under consideration, the sum may differ to that detailed.

3.0 SITE DESCRIPTION

- 3.1 The application site lies to the eastern side of Stockwell Gate, within the village of Whaplode. The site, in its current form, predominantly comprises agricultural land.
- 3.2 To the south of the site, beyond the application site subject to this reserved matters proposal, lies agricultural buildings, glasshousing and associated structures. This land forms part of the wider outline approval. Two bungalows lie beyond this, further south.
- 3.3 There is residential development to the west, north and south/south-east. The site adjoins another agricultural field to the north-east, just beyond Whaplode River.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

4.2 South East Lincolnshire Local Plan, March 2019

- 4.3 If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 4.4
- Policy 1 - Spatial Strategy
 - Policy 2 - Development Management
 - Policy 3 - Design of New Development
 - Policy 4 - Approach to Flood Risk
 - Policy 5 - Meeting Physical Infrastructure Needs
 - Policy 6 - Developer Contributions
 - Policy 10 - Meeting Assessed Housing Requirements
 - Policy 11 - Distribution of New Housing
 - Policy 17 - Providing a Mix of Housing
 - Policy 18 - Affordable Housing
 - Policy 28 - The Natural Environment
 - Policy 29 - The Historic Environment
 - Policy 30 - Pollution
 - Policy 32 - Community, Health and Well-being
 - Policy 36 - Vehicle and Cycle Parking
 - Appendix 6 - Parking Standards
 - Appendix 8 - Developer Contributions for Education Facilities
 - Appendix 9 - Developer Contributions for Health Care Facilities

4.5 National Guidance & Policy

4.6 National Planning Policy Framework (NPPF), 2023

- 4.7
- 2. Achieving sustainable development
 - 4. Decision-making
 - 5. Delivering a sufficient supply of homes
 - 8. Promoting healthy and safe communities
 - 9. Promoting sustainable transport
 - 11. Making effective use of land
 - 12. Achieving well-designed places
 - 14. Meeting the challenge of climate change, flooding and coastal change
 - 15. Conserving and enhancing the natural environment
 - 16. Conserving and enhancing the historic environment

4.8 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 Application Site:

5.2 H23-0827-22. OUTLINE. Stockwell Gate, Whaplode. Residential development . APPROVED with S106 25-05-2023.

6.0 REPRESENTATIONS

6.1 Consultation Responses - Initial Responses

6.2 Whaplode Parish Council

6.3 Should this not be seen as a new application as some of the land from the original outline has been excluded.

6.4 Have the South Holland IDB byelaws been observed? Please ensure responsibility for the play area is clearly established.

6.5 SHDC Environmental Protection Officer

6.6 No comments

6.7 Ward Councillor

6.8 Comments that request confirmation and clarification regarding the proposal.

6.9 Lincolnshire Wildlife Trust

6.10 Lincolnshire Wildlife Trust wishes to register a holding objection on this application until the appropriate management and monitoring plan has been submitted.

6.11 We are pleased to see the inclusion of the Biodiversity Metric in this application and to find that the predicted gains for this site exceed the recommended minimum of 10%. However, part of the Biodiversity Net Gain legislation requires the provision of a 30-year management and monitoring plan. No such plan can be found on the planning portal and so Lincolnshire Wildlife Trust wish to register a holding objection until one has been submitted and we have had the opportunity to review the plan.

6.12 South Holland Internal Drainage Board

6.13 Comments to raise in respect of surface water and foul water drainage.

6.14 South Holland and The Deepings MP

- 6.15 Whilst I appreciate that outline planning permission has already been granted for this site, I have been contacted by a number of constituents following the recent Reserved Matters application.
- 6.16 I share my constituents concerns that the design of the houses bears little or no resemblance to neighbouring properties. Furthermore, the semi-detached properties have been sited opposite existing detached three and four bedroom homes.
- 6.17 The inevitable increase in traffic movements onto a B road, which is regularly used by HGVs and large farm machinery, is of particular concern to my constituents, with an increase in noise and a reduction in safety expected. Furthermore, these extra vehicles will be joining either the busy A151 or the A17.
- 6.18 As it is not clear from the submitted proposal, I am seeking your assurance that this development will not have a refuse collection point.

6.19 **Consultation Responses - Additional Responses**

6.20 Lincolnshire Wildlife Trust

- 6.21 Although BNG is not mandatory until November 2023, LWT are asking that applications in the transition period still address this policy. Our reasoning for this is that the biodiversity and climate crises are clearly upon us, meaning we do not have the time to wait for the Local Plan review for the policies set out within in to catch up. The NPPF has clearly stated for some time the need for BNG, it becoming mandatory in November, reflects that the policy has not led to it being widely adopted in practice and the need to address the biodiversity crisis.
- 6.22 It is therefore highly encouraging to see that the applicant has put in measures to ensure a minimum of 10% BNG, however the associated management and monitoring plan for a period of 30-years has not been included. Below is a quote from Natural England on the gov website:
- 6.23 'BNG requires habitats be secured for at least 30-years, which means they must be managed and monitored.
- 6.24 Adaptive management techniques may be needed to help facilitate this combined with periodic reporting of the habitat outcomes that enable corrective or enforcement (in extremis) action to be undertaken.'
- 6.25 While the recommendations made in Section 6 of the Biological Impact Assessment document outline some appropriate management techniques, these need to be applied to a 30-year period. The 30-year management and monitoring plan needs to include who will be the responsible party for management, how the gains in biodiversity will be secured in perpetuity and be reviewed and updated over the course of the plan. The LPA should ensure that the plan is implemented and enforced.

6.26 Lincolnshire County Council Education

- 6.27 As the development would result in a direct impact on local schools, a contribution is therefore requested to mitigate the impact of the development at local level. This is a recognisable and legitimate means of addressing an impact on infrastructure, accords with the NPPF (2019) and fully complies with CIL regulations; we feel it is necessary, directly related, and fairly and reasonably related in scale and kind to the development proposed in this application.
- 6.28 The level of contribution sought in this case is in line with the table outlined within the response, concluding with a request of a contribution of £153,018.

6.29 **Consultation Responses - Responses following Amendment 1**

6.30 Whaplode Parish Council

6.31 The earlier proposed plan had a number of properties, including 4 bedroom houses, having very small gardens that were disproportionate to the house size. This latest proposal moves a number of the properties forward creating larger gardens whilst also providing a more realistic garden to plot 30.

6.32 However, the effect of these changes are as follows: Plot 19 has now lost 2 parking spaces possibly leading to on road parking Plots 2,3,4,5 & 6 facing on to Stockwell Gate each lose a parking space, also possibly leading to parking on the road or verge creating a traffic hazard. By enlarging the rear garden of plot 30, the parking spaces to the side have been reduced by 1 and the overall parking lengths shortened. This is likely to lead to cramped parking and cars parked on the road.

6.33 With such a tight road system within the estate, any vehicles parked on the roads will cause problems for other residents, visitors and the Council refuse lorries. Please also establish clear responsibility for the open spaces and play area.

6.34 Anglian Water

6.35 This is not relevant to Anglian Water - we have no comments to make thereon. Please note Anglian Water will only comment on drainage/surface water.

6.36 Lincolnshire County Council Highways/SuDS

6.37 The amendments do not include the roadside filter drains that were shown on the Approved Plans of the Outline Consent.

6.38 No additional drainage information has been submitted with this Reserved Matters Application so it is presumed that the Applicant is expecting to rely on the drainage strategy approved under the Outline Consent H23-0827-22. If so, then I am not able to clear this Reserved Matters Application with footways where there are supposed to be filter drains.

6.39 Housing Strategy

6.40 This is a reserved matters application relating to proposed amendments. The Housing policy position on affordable housing has already been secured at outline application stage by way of a s106 agreement. Accordingly, Housing has no objection to these proposals.

6.41 Lincolnshire County Council Education

6.42 LCC Education has no comments on this consultation as it is an amendment with no change to the dwellings. We responded on 14 September 2023 in relation to education with the impacts we seek to be mitigated.

6.43 **Consultation Responses - Responses Following Additional Habitat Management Plan**

6.44 Lincs Wildlife Trust

6.45 The HMMP looks acceptable and I am happy for the Holding Objection to be lifted.

6.46 **Public Representation**

6.47 This application has been advertised in accordance with the Development Procedure Order and

the Council's Statement of Community Involvement. In this instance, ten letters of representation have been received.

6.48 These can be summarised as:

- 6.49
- The development is unsuitable for this location and no additional development is required in Whaplode.
 - The proposed house types are out of keeping with the area.
 - Overdevelopment for the settlement.
 - Impact and harm to residential amenities - Residents residing along Fieldview Close,
 - Loss of privacy to No.1 Fieldview Close.
 - Impact upon Willow End, Stockwell Gate due to site entrance.
 - Vehicular traffic increase, congestion, resultant parking and highway safety, including (but not limited to) impacts on Stockwell Gate, Stockwell Gate West and A151.
 - Construction traffic.
 - Noise nuisance and pollution.
 - Matters relating to 'affordable housing' and contributions.
 - Impact upon existing services, such as medical centre and schools.
 - Biodiversity and impacts on habitats.
 - Impact on existing views.
 - Questions regarding process - Outline/Full/Reserved matters.
 - The proposal is not in accordance with outline approval, with five less dwellings.
 - Housing needs and matters relating to local press articles.
 - Health and safety.

6.50 Following the submission of 'Amendment 1', the application was again advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance a re-consultation took place for a period of 14days. Following, this further letters have been received.

6.51 These can be summarised as:

- 6.52
- Noise Pollution
 - Environmental Health concerns
 - Traffic and highway safety
 - The development is not suitable for the area

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Evaluation

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

7.4 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.

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

7.6 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.

- 7.7 It is also noted that 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.
- 7.8 Principle of Development and Sustainability
- 7.9 The principle of development would typically be assessed against Policy 1 of the South East Lincolnshire Local Plan (2019). The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.
- 7.10 Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order. The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in terms of sustainability.
- 7.11 Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Minor Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within Minor Service Centres will normally be limited to Allocated and Committed sites and infill.
- 7.12 The application site in this instance is within Whaplode and lies within the defined settlement boundaries of the settlement. Beyond this, the site is a housing allocation in the South East Lincolnshire Local Plan (2019), identified as ref. WHA002 which contains an indicative site capacity of 39 dwellings. In context of this, the principle of residential development within this location is considered to be appropriate, and the principle of this type of development on the application site has therefore already been established and is considered to comprise an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.
- 7.13 This application comprises a Reserved Matters proposal, pursuant to outline approval H23-0827-22. Similarly to that explained above, this outline permission expressed that the principle of residential development (being 42 dwellings in that case and comprising the allocated site in its entirety) was acceptable and established by way of the sites allocation.
- 7.14 In any event, when considering the history of the site, or assessing the appropriateness of the development in principle, it can be concluded that the principle of residential development on this site is acceptable and forms an appropriate form of development. It is evident that the principle of developing this site for residential use has been established by the outline permission set out above and it is also evident that the principle of the proposal, comprising residential development in the form of 37 dwellings, is also acceptable in principle.
- 7.15 This application is therefore to assess the reserved matters, namely: Access, Appearance, Landscaping, Layout, and Scale.
- 7.16 Layout, Design and Consideration of the Character and Appearance of the Area
- 7.17 Section 12 of the National Planning Policy Framework (2023) 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.

- 7.18 Paragraph 130, contained within Section 12 of the National Planning Policy Framework (2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.
- 7.19 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.
- 7.20 Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.
- 7.21 These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.
- 7.22 The proposed development, subject to this reserved matters proposal, relates to a total of 37 dwellings. Whilst the initial outline granted permission for a total of 42, this proposal relates to a lesser parcel of land; albeit, forming the large majority of the application site pursuant to the outline permission, with the exception of five dwellings to the southernmost aspect of the site.
- 7.23 As outlined above, the layout broadly reflects the indicative layout as submitted within the outline approval with an access road being formed directly off Stockwell Gate. The 37 dwellings comprise:
- 4x four bed detached dwellings
 - 12x three bed detached dwellings
 - 4x three bed semi-detached dwellings
 - 12x two bed semi-detached dwellings
 - 2x one bed semi-detached dwellings
 - 3x two bed terrace
- 7.24 The proposal has been amended during the application process and includes alterations to the siting of six detached plots (house type 2), being set within closer proximity to the highway, removal of parking spaces to the frontage of plots 34-37 and slight reduction to the proposed open space, to allow for enlarged rear amenity spaces serving the proposed properties.
- 7.25 The proposal has been assessed against the amended detail, as outlined within drawing no's 4162/100 rev P2, 4162/101 rev P1 and 4162 / 100 rev P3.
- 7.26 The properties proposed throughout the site, whilst varying in size and comprising a mix of detached, semi-detached and terrace properties, all take a two-storey form. Although it is noted that bungalows are also prevalent within the immediate surrounding area, the proposed two storey scale is considered, in this regard, to be suitable and of a similar nature to other properties within the surrounding area, with the more prominent design within the immediate area is of two-storey dwellings.
- 7.27 The layout of the site, with a central spine road from Stockwell Gate is considered to be appropriate and comprises an acceptable form of development. Detached properties have also

been proposed that front westwards, onto Stockwell Gate with a degree of separation from the highway; albeit being partially reduced through the amendment. These detached dwellings would be served with direct access to Stockwell Gate, similar to the existing detached properties that reside along the western side of Stockwell Gate. This is considered to be appropriate and provides a visually positive aspect of the scheme. Whilst not forming any subsequent approved plans list, illustrative perspectives have been provided to this frontage along Stockwell Gate, highlighting an illustrative take on how the properties are likely to be viewed. It is the officers consideration that the extent of separation from the highway is adequate and the proposed development, whilst clearly being readily visible, would not give rise to an unwarranted or unacceptable impact upon the streetscene or surrounding character.

7.28 The properties that lie throughout the development, although varying in scale, are considered to be acceptable on balance. It is noted that the presence of more sizeable rear amenity spaces may benefit the proposal and its future occupiers; however, it is considered, on balance, that the resultant level of amenity is adequate as to not warrant refusal on this basis.

7.29 The materials to be used include Mystique traditional brick and stone with 'Sandtoft Calderdale Edge Grey' rooftiles. The neighbouring properties largely comprise traditional red brick builds, with concrete rooftiles. It is also noted that examples of render, typically white/off-white, can also be seen within close proximity of the site. The materials, when assessing in the context of its surrounding character, are considered satisfactory.

7.30 In terms of boundary treatment, the submitted details illustrate the use of 1.8m Flemish bond brick walls and 1.8m high close boarded fences, with the latter being the most predominately used boundary treatment for the proposed garden areas. Notwithstanding the submitted detail, condition 13 of the outline approval requires details of the boundary treatments to be submitted and approved prior to development and as such, will be considered at a later date.

7.31 Overall, the layout, design of properties and appearance are considered to be acceptable.

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

7.33 Landscaping

7.34 The proposed landscaping, which has been amended to a modest extent during the application, includes the presence of trees and planting throughout the site, comprising a mixed variety. The landscaping details illustrate that differing species of tree, including Acer Campesetre, Prunus Sunset Boulevard and Sorbus Commixta Embley, will be utilised, of which some are small; however, it is noted that the quantum of planting consists throughout the plots.

7.35 Further, hedging is also proposed, in the form of Lonicera Nitida hedging, to the south west boundary of the site, and to the frontages of the detached dwellings that front Stockwell Gate.

7.36 The details in respect of boundary treatments are subject to a condition on the outline approval and therefore, would be considered at a later date.

7.37 These details are considered satisfactory. Three swift bricks are to be incorporated into the fabric of the buildings, as per the condition attached to the outline proposal. The proposals do not conflict with Policy 28 of the South East Lincolnshire Local Plan.

7.38 Impact on Residential Amenity/Land Users

7.39 Paragraph 130 of the National Planning Policy Framework (2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and

resilience.

- 7.40 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.
- 7.41 The proposed development, whilst comprising 37 dwellings, is not considered to cause an unacceptable impact or harm to the residential amenities of neighbouring occupiers.
- 7.42 Representation has been received relating to the potential impact caused by the development to occupiers of properties within Fieldview Close and those residing within Willow End, Stockwell Gate. Fieldview Close comprises a modern development, located adjacent the application site to the west/northwest. The development is designed as to comprise six 'frontage' dwellings, which would face westwards onto Stockwell Gate. These are two-storey dwellings, which would be set with approximate separation distances from the footpath, ranging between 4.5 metres to 14.0 metres, with the highway providing increased separation to the adjacent properties that reside along the western side of Stockwell Gate. The proposed scale of the dwellings, coupled with the siting and layout, is such that an unacceptable adverse impact would not be caused to the neighbouring residents, by way of overlooking, overbearing impact or loss of privacy.
- 7.43 The site is neighboured to the south by agricultural buildings, glasshousing and associated structures. These are sizeable structures in the main and are not considered to be adversely impacted by the proposed development.
- 7.44 Development has been ongoing to the north of the site, with permission having previously been granted for three dwellings. The proposed development, when taking account of the potential resultant development to the north, is not considered to cause an unacceptable adverse impact to the residential amenities of future occupiers of both the neighbouring development or that hereby proposed. The house type proposed within closest proximity to this northern boundary are two-storey semi-detached dwellings, which are of appropriate scale. The dwellings have a relatively condensed rear garden space, albeit slightly increased; however, this is considered to be adequate to serve the dwelling. Furthermore, when assessing this against the resultant relationship of the neighbouring proposal, the properties would not be 'back-to-back', and the development is considered to comprise an adequate separation distance as to ensure its acceptability.
- 7.45 In respect of Willow End specifically, it is noted that the site entrance is adjacent, as are the specific plot entrances for the detached dwellings for other properties along Stockwell Gate. In considering this aspect of the proposal, the resultant access and development, as designed, is not considered to cause an unacceptable adverse impact upon the residential amenities of the occupier's of Willow End. It is noted that there is potential for light from vehicular traffic; however, this would be intermittent and would not cause an unacceptable impact given the extent of development and volume of vehicular movements anticipated.
- 7.46 As detailed above, the scale and design of the proposal, coupled with the appearance and layout, 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 Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.
- 7.47 Highway Safety, Parking and Access
- 7.48 Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".
- 7.49 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.

- 7.50 Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.
- 7.51 The proposed access to the site is similar to that of the 'indicative plan' that accompanied the outline submission. It is noted that the Local Planning Authority have not been in receipt of formal comments from Lincolnshire County Council Highways/SuDS as the Local Highway Authority in respect of highway/road matters - although, they raised no objections to the outline proposal.
- 7.52 Access would be gained directly via the highway to the six proposed detached dwellings which front Stockwell Gate, with an access point for each dwelling. The remaining development would be served via the formation of newly formed access roads, with two roads spurning off a central spine that leads from Stockwell Gate.
- 7.53 In respect of the access proposed, discussions were carried out during the outline stage of this proposal, with initial concerns being raised in relation to highway safety, an increase in the volume of traffic/congestion and the number of accesses that lead directly to the proposed dwellings from Stockwell Gate. Whilst all these concerns are noted, it is also noted that the position proposed for the main access was previously described as being "on the curve of the road offering the very best in visibility in both directions", with the design also ensuring that the open SHIDB drain is avoided.
- 7.54 The detailed proposal proposes 'typical' frontage development, with detached residential properties fronting onto the highway of Stockwell Gate, each gaining individual access with a degree of 'set back' from the highway itself. Modern development, in the form of Fieldview Close, have been constructed, with the two initial properties providing a level of highway fronting dwellings; albeit, these properties do not have direct vehicular access or parking from Stockwell Gate. Although a number of properties, including the proposed access, would lie immediately adjacent existing properties, it is not considered that this relationship is uncommon for residential properties and is not such in this instance that would result in an unacceptable level of adverse impacts, as to warrant refusal of planning permission.
- 7.55 Notwithstanding the objections raised within the representation submitted to the Local Planning Authority, the proposed access, to be gained via Stockwell Gate, is considered to be of a suitable standard to safely accommodate the resultant vehicular movements that would be expected to be generated by the proposed development, in addition to the passage of existing traffic.
- 7.56 Comments received from third party representation also raised queries in respect of the main site access being located immediately adjacent Tulip Fields. This consideration was put forward, following comments received, during the outline application. In response, the applicants agent, at the time of the outline submission, detailed that:
- "The suggestion of positioning the main site access opposite Tulip Fields, I believe, would not be acceptable to LCC Highways or the SHIDB for the following reasons: The creation of a cross-roads would be unlikely to receive approval by Highways. Indeed, I have an LCC Highways design guide which states for a road of this type that, 'cross roads will not be permitted'. The open drain turns at right angles and then passes below Stockwell Gate before running parallel to Tulip Fields. Placing a main entrance opposite Tulip Fields would necessitate a large amount of the open drain to be piped including the right angle section. This is unlikely to meet approval of the IDB particularly as the piped section would include a right angle section which would be highly susceptible to blockages".
- 7.57 In any event, whilst the Local Planning Authority would seek an optimum development, in all respects including design, the Local Planning Authority must also assess and determine the application here before them. In this instance, from both perspectives (design of the access points and highway safety), the proposal is considered to be acceptable and as such, it would

be somewhat unreasonable to request an alteration to this access point, which could in turn increase further difficulties to the development.

- 7.58 The parking proposed, whilst comprising tandem parking in some instances, would accord with the requirements of Policy 36 and Appendix 6 of the South East Lincolnshire Local Plan.
- 7.59 The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework. The matters in respect of access are therefore acceptable.
- 7.60 As was noted on the outline approval, "the access road would be a private drive and not adopted, details of refuse collection are required to be submitted at a later date as a result of a condition appended to the outline consent, and to assist this an informative is suggested to draw attention to the SHDC Private Drives - Waste Vehicle Collection Service - Guidance Note, which is not a planning policy but is a material consideration".
- 7.61 Ecology & Climate Change
- 7.62 In respect of the climate emergency, Section 14 of the National Planning Policy Framework (2023) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.
- 7.63 Specifically in respect of biodiversity and ecology, Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.
- 7.64 Within the previous outline approval, it was detailed that whilst the Lincs Wildlife Trust had outlined a holding objection, "10% Biodiversity Net Gain is not mandatory until November 2023 and Policy 28 of the Local Plan only specifies that Biodiversity Net Gain be achieved, without reference to a particular percentage. Appeal decisions indicate that until BNG becomes mandatory, a Local Planning Authority can only rely on the provisions within their Local Plan, therefore technically only a 1% gain is required".
- 7.65 During the application process, consultation has occurred with Lincs Wildlife Trust, and as detailed within this report above had initial outlined concerns and holding objections. Notwithstanding this, the initial comments did express their pleasure in the "inclusion of the Biodiversity Metric in this application and to find that the predicted gains for this site exceed the recommended minimum of 10%", which are likely to become a mandatory requirement within the short-term.
- 7.66 Taking this further, this reserved matters proposal has been accompanied by the inclusion of a 'Biological Impact Assessment', the Biodiversity Metric, Landscaping Plans and a 'Habitat Management & Monitoring Plan', which relates to the ongoing management as requested by Lincs Wildlife trust.
- 7.67 It is noted that the initial comments noted by the Lincs Wildlife Trust raised a holding objection due to 'the absence' of a 30-year management and monitoring plan. It is also noted, as required by the conditions of the aforementioned outline, there is also the need for a Habitats Regulations Assessment, which should satisfy that there will be no significant negative impacts on protected or priority habitats and species as a result of the development.
- 7.68 Given the submission of further information, as briefly detailed within this report, Lincs Wildlife trust have confirmed their 'removal of the holding objections', with the additional information and reports providing acceptable and sufficient detail in this regard.

- 7.69 Given the above, based on the information provided in reports submitted within the application process which find that the predicted gains for this site exceed the recommended minimum of 10%, it is considered that the development complies with Policy 28 of the South East Lincolnshire Local Plan in this regard.
- 7.70 In light of the above, subject to appropriate conditions to secure the detail outlined within the submitted reports and plans, including the 30-year management plan and a Habitats Management Plan, the proposal accords with Policy 28 of the South East Lincolnshire Local Plan and in respect of biodiversity, is considered to be acceptable.
- 7.71 Developer Contributions
- 7.72 Policy 18 of the South East Lincolnshire Local Plan (2019) requires the provision of 25% affordable housing on-site, on market schemes within South Holland. As detailed within the outline approval, the site is allocated for housing in the Local Plan and issues such as infrastructure capacity and number of facilities available were considered through the plan making process and associated Infrastructure Delivery Plan.
- 7.73 Furthermore, requests for financial contributions were made by the NHS and Education Authority within the aforementioned outline approval. These were as detailed below:
- £27,720 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 Littlebury Medical Centre, Holbeach Medical Centre, and Moulton Medical Centre - based on a formula per dwelling.
- £204,024 towards additional secondary and sixth-form provision in the Holbeach Secondary Planning area. This is based on a formulaic approach given that the application is in outline form - based on a formula per dwelling.
- 7.74 These have been secured by way of a legal agreement and as such, whilst the sum and quantities may differ to that stated given the reduction in dwellings in comparison to the outline approval, these will still be secured by the agreement.
- 7.75 It is noted that further consultation has been received from Lincolnshire County Council Education, which specifies the sum required as a result of this development. However, as this is based upon a formulaic basis, the legal agreement (Section 106 agreement) will remain tied to the development.
- 7.76 Open Space
- 7.77 It is noted that the proposed development would result in the loss of agricultural land; however, the application site is allocated for residential development in the Local Plan as clearly detailed above, thus this is not a satisfactory ground for refusal.
- 7.78 Policy 32: Community, Health and Well-being, details that "development shall contribute to: the creation of socially-cohesive and inclusive communities; reducing health inequalities; and improving the community's health and well-being" and goes on to outline instances where further facilities would be required.
- 7.79 The site layout plan shows the area of Public Open Space, which provides a sufficient scale of open space. The proposal also clearly demonstrates the provision of a Local Area for Play. Details in respect of this have been conditioned by the outline permission and are therefore secured for future assessment by the Local Planning Authority.
- 7.80 Subject to the acceptable detail reserved by the conditions attached and contained within the Outline approval, the proposal would be in accordance with Policy 32 of the South East Lincolnshire Local Plan.
- 7.81 Flooding Consideration & Drainage
- 7.82 Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach

to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

- 7.83 Paragraph 162 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.
- 7.84 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.
- 7.85 The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.
- 7.86 In this respect, the key material matters in respect of flood risk were detailed within the initial outline approval. This detailed that in respect of the principle of development in relation to flood risk, the "site is a housing allocation in the Local Plan and is therefore a sequentially preferable site in flood risk terms".
- 7.87 The outline proposal was supported by a flood risk assessment which identified "that finished floor levels of dwellings should be raised 300mm above typical ground level. Following on from this, the surface water drainage strategy states that it may be necessary to raise some floor levels more than 300mm above the existing ground levels to achieve gravity surface and foul water outfalls. However, the number of plots that will need raising further are limited, and it is not anticipated these will be more than 0.6m above existing levels. This accords with the standing advice set out in the flood risk advice matrix for a site where depths could be expected to be 250mm in a flood event".
- 7.88 In this respect, as detailed below, whilst the proposed levels and drainage schemes have not been submitted as part of this proposal, this is largely as a result of conditions that remain on the outline approval including the need for finished floor levels and site levels to be submitted and approved in writing.
- 7.89 However, in respect of drainage, it is also noted that initial correspondence with Lincolnshire County Council Highways outlined that filter drains were initially shown on the drainage strategy as approved under the Outline Permission, with an unfavourable recommendation being likely from the Highway Authority should the filter drains not be provided. It is noted that at the time of concluding this report, no further consultation comments have been received from Lincolnshire county Council as Local Highway and Lead Flood Authority.
- 7.90 Notwithstanding this, amendments have been forthcoming which illustrate the provision of 'filter drains' in accordance with the drainage strategy submitted as part of this application and that of the prior Outline approval, in line with the comments initially raised by Lincolnshire County Council. Conditions have been recommended, as shown within this report, that require this to be developed in accordance with the detail of the amended plan and as specified within the drainage strategy.
- 7.91 It is also noted that South Holland Internal Drainage Board have outlined that "the applicant has contacted the Board to make an application for consent under Byelaw 3 for the discharge of surface water to a watercourse at a restricted rate of 5 l/s". Details for a surface water drainage scheme are subject to a condition of the outline approval and will therefore be submitted for assessment and approval of the local Planning Authority.
- 7.92 Given the above, subject to the approval of appropriate details, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood

risk and drainage.

7.93 Other Outline Matters

7.94 Whilst not subject to a need to be submitted under this particular reserved matters proposal, conditions were attached to the aforementioned outline planning application which must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, with a need for the details to be implemented as approved.

7.95 This would be required in the form of a 'submission of details' application and includes the following conditions pursuant to outline planning approval H23-0827-22 (Summarised):
Condition 5 - Construction Management Plan and Method Statement
Condition 6 - Estate Road Phasing and Completion Plan
Condition 7 - Surface Water Drainage Scheme
Condition 8 - Construction Vehicle Precaution/Preventative Measures
Condition 9 - Site levels and Finished Floor Levels
Condition 11 - Storage and Disposal of Refuse and Recycling
Condition 12 - Management and Maintenance Schedule (Landscaping, Open Space etc)
Condition 13 - Boundary Treatment
Condition 15 - Local Play Area Details

7.96 Planning Balance

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

7.98 The proposal represents appropriate development, with the principle of development having been established under outline approval reference H23-0827-22 and through its allocation prior to this approval.

7.99 The development hereby proposed, when viewed on balance, is not considered to materially harm the character or appearance of the locality, or amenity of nearby residents to an unacceptable degree that would warrant the refusal in this instance, and provides adequate parking that accords with the South east Lincolnshire local Plan; conforming with the South East Lincolnshire Local Plan when viewed as a whole and the provisions of the National Planning Policy Framework.

7.100 Taking the above into account, whilst the development is considered to be on balance, the planning balance is considered to be in favour of the proposal in this instance.

7.101 **Conclusion**

7.102 Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 6, 10, 11, 17, 18, 28, 30 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2023.

7.103 Notwithstanding the matters raised above, there are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to.

7.104 Taking the above considerations into account, the proposal is considered to be in accordance with the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (2023) when viewed as a whole. 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.

7.105 **Additional Considerations**

7.106 Public Sector Equality Duty

7.107 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.

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

7.109 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.

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

7.111 Human Rights

7.112 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).

7.113 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.

8.0 RECOMMENDATIONS

8.1 **Based on the assessment detailed above, it is recommended that the proposal be approved with conditions attached, as per this report, subject to not receiving an objection from LCC LLFA on the drainage details.**

9.0 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans and/or documents:

Application Form

Location Plan

4162/100 Rev: P3 - Site Block Plan

4162/1000 - House Type 1 Plans & Elevations

4162/2000 - House Type 2 Plans & Elevations

4162/3000 - House Type 3 Plans & Elevations

4162/4000 - House Type 4 Plans & Elevations

4162/5000 - House Type 5 Plans & Elevations

4162/6000 - House Type 6 Plans & Elevations

4162/101 Rev: P1 - Landscape Plan

SW 22-150-006 Rev: A - Landscape Management & Maintenance Plan

SW 22-150-REP-01A - Surface and Foul Water Drainage Strategy (dated August 2022)

Biological Impact Assessment (Ref: J3179-0623, prepared by Morgan & Stuckey Ecological Consultants, dated June 2023)

Landscape Management Plan Report (dated August 2023)

Habitat Management & Monitoring Plan (Ref: J3179, prepared by Morgan & Stuckey Ecological Consultants, dated October 2023)

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Before any part of the development hereby permitted is occupied, the external materials of construction of the building shall have been completed using only the materials detailed in the approved plans.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

3. Prior to any dwelling hereby permitted being brought into use, the biodiversity and habitat enhancement measures shall be installed/carried out in accordance with the details as specified within:

- Biological Impact Assessment (Ref: J3179-0623, prepared by Morgan & Stuckey Ecological Consultants, dated June 2023)

- Landscape Plan (Drawing No: 4162/101 Rev: P1)

- Landscape Management & Maintenance Plan (Drawing No: SW 22-150-006 Rev: A)

- Landscape Management Plan Report (dated August 2023)

- Habitat Management & Monitoring Plan (Ref: J3179, prepared by Morgan & Stuckey Ecological Consultants, dated October 2023).

The works shall be carried out and completed in its entirety during the first planting season following practical completion of the development and shall thereafter be retained.

All measures carried out in accordance with this condition shall be maintained, managed and monitored in accordance with drawing no. SW22-150-006 Rev: A, the Habitat Management & Monitoring Plan (prepared by Morgan & Stuckey Ecological Consultants, dated October 2023) and the Landscaping management Plan (dated August 2023).

Reason: To ensure that the development is able to deliver and incorporate biodiversity enhancement measures within the scheme.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

4. Within a period of five years beginning with the date of completion of the scheme, all trees, shrubs and planting provided as part of the approved biodiversity and landscaping scheme detailed within condition 4 above, that die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species as was approved under the above condition, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure that the development is able to deliver and incorporate biodiversity enhancement measures within the scheme.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

5. Notwithstanding condition 7 of the pursuant outline approval (ref: H23-0827-22), the development shall incorporate the filter drains as detailed within the approved Surface Water and Foul Drainage Strategy (Ref: SW 22-150-REP-01A, dated August 2022) and as detailed within the approved plans.

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, the permitted development.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2023.

6. Three swift nest bricks shall be incorporated within the external walls of each dwelling hereby approved and shall be retained thereafter.

Reason: In the interests of biodiversity.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

7. 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, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

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

8. 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. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that 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>

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post:	Mark Simmonds; Development Manager (Interim)
Telephone Number:	01775 764444
Email	mark.simmonds@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

