

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 18 May 2022

(Author: Lucy Buttery - Principal Planning Officer)

Purpose: To consider Planning Application H09-0115-21

Application Number: H09-0115-21

Date Received: 04 February 2021

Application Type: OUTLINE

Description: Residential Development of up to 185 dwellings

Location: Land off Battlefields Lane South Holbeach Spalding

Applicant: Cicero Estates

Agent: Ken Parke Planning Consultants

Ward: Holbeach Town

Ward Councillors: Cllr F Biggadike
Cllr T Carter
Cllr G T D Rudkin

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

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H09-0115-21>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Significant number of objections received and issues that merit Committee consideration.

2.0 PROPOSAL

2.1 Outline application for residential development of up to 185 dwellings on land off Battlefields Lane South, Holbeach. Approval is sought for access as part of this application, with all other matters reserved.

2.2 The application is effectively seeking a renewal of previous outline consents (H09-0534-12 and H09-1325-06).

3.0 SITE DESCRIPTION

3.1 The site is approximately 6.2 hectares in size and comprises of agricultural land. There is existing residential development to the north, south and west. To the east is further farmland, with the A17 beyond.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

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.

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

National Guidance

National Planning Policy Framework (NPPF), 2021

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

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

- 5.1 H09-0534-12 - Outline - Residential development (approved January 2018)
- 5.2 H09-1325-06 - Outline - Residential development (approved December 2009)

6.0 REPRESENTATIONS

6.1 The Rt Hon Sir John Hayes MP (summarised)

Objects and requests that the application is determined by Planning Committee given its nature and scale. Shares constituents concerns about the impact this scale of development will have on local infrastructure (e.g. GP surgeries and schools); Developer must make a substantial financial contribution to local services; Increase in traffic movements and noise pollution for existing occupiers of Kings Road; Understand the site is prone to flooding and surface water will exacerbate the current flooding problem.

6.2 Councillor T Carter

Objects. I have some serious concerns about this application in regards to flood risk. We are having considerably heavier rainfall in recent years and a number of areas very close to this proposed site experienced horrendous flooding and disruption recently. This will only be worsened by more fields being used for building, removing the natural drainage they offer. I have read the flood report, and note the proposed properties will be raised by a minimum of 1m. Although I am no drainage expert, I fear this will not remedy the situation enough and instead the site will still add to the problems already being experienced by neighbouring properties. I

would please ask the planning committee and officers to spend as much time as possible reviewing the proposal in relation to drainage, as many residents will be negatively affected by this site going ahead if it is not dealt with effectively, and they have already experienced such difficulties in recent times.

6.3 Holbeach Parish Council

This application cannot possibly go ahead as too many objections have been lodged from the public, District Councillors and serious concerns about protected species and land contamination have been raised not to mention the continuous flooding in the area. Isn't it time to say no to these mass developments that are endangering life and way of life.

6.4 Lincolnshire Police

No objections to the principle of the development and outline plans and documents. Provides advice for the applicant to consider when drawing up a more detailed proposal.

6.5 LCC Highways/SUDS

The Application Site is allocated for residential development in the South-East Lincolnshire Local Plan. The site has also had the benefit of Planning Consent for residential development, which has now lapsed. The principle of developing this site for residential use is therefore already established.

In terms of access, the Application Site adjoins both Kings Road and Battlefields Lane South. It is acknowledged that the, now lapsed, Planning Consent for the site included a Condition requiring that there should be no vehicular connection between the end of Kings Road and Battlefields Lane South. This was not a Condition that was supported by the highway authority. The original Kings Road residential development has been progressively extended by subsequent Planning Consents and is now a substantial cul-de-sac, with a single point of access from Foxes Lowe Road and now comprises a significant number of dwellings. In the interests of safety in an emergency situation, the amenity of residents living on the existing development, on the proposed development and on the adjacent roads, the convenience of service vehicles, refuse collection vehicles and delivery vehicles and in the interests of local vehicular permeability, it is strongly requested that the Condition incorporated within the Decision Notice for the previous Planning Consent for the Application Site, restricting vehicular passage between Kings Road and Battlefields Lane South, is not repeated on any Consent that may be granted for this current Application.

This Application indicates an intention to have dwellings with direct frontage to, and accessed from, Battlefields Lane South. That being the case, it is requested that as a Condition of any Consent, a two metre wide footway be provided along the site's Battlefield Lane South frontage. The design of this footway should also include the provision of means to capture, convey and dispose of surface water run-off from both the footway and the adjacent carriageway.

A Condition requiring the submission of a Construction Management Plan and Method Statement is requested. It is recommended that this Plan and Statement should strongly encourage the site compound to be sited at the Battlefields Lane South end of the site so as to minimise the adverse impacts of the development upon the residents of neighbouring properties.

In terms of surface water drainage, the submission of a revised Flood Risk Assessment and Drainage Strategy is noted. The revised proposal for the drainage strategy for the east side of the site is to discharge surface water run-off into the existing Anglian Water Services surface water sewer at the northern end of Kings Road. Provided Anglian Water Services confirm that their system has sufficient capacity to accept this discharge, then this arrangement is acceptable to the Lead Local Flood Authority.

The intention to raise the levels of the site by no less than one metre, to address coastal and fluvial flood risk, is noted. In recent times this practice has had an unintended consequence of increasing surface water flood risk to existing properties that are adjacent to the development site boundaries. It is therefore requested that any Consent that may be granted for this Application includes a Condition requiring that specific measures are put in place on all boundaries to intercept any surface water run-off towards adjacent land and properties and to convey that water to a suitable outfall.

6.6 LCC Historic Environment Officer

As discussed in the developer's Archaeological Statement, this site has a long planning history with an established requirement for archaeological conditions based on previous phases on evaluation. This office recommends that conditions 15, 16 and 17 from the 2018 application also be applied to any future permission if the local planning authority is minded to grant consent. This is to ensure that the areas of archaeological interest revealed in previous evaluation can be subject to monitoring and recording during groundworks. The precise areas to be monitored will be agreed at a future date once more detailed plans for the development are provided at the reserved matters stage. "Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible." - National Planning Policy Framework, section 16, paragraph 199.

6.7 LCC Education

Formulaic approach taken given that the application is in outline form. This results in a request for a financial contribution of £1,140,922 towards additional primary capacity in Holbeach via the extension of an existing school or creation of a new school and additional permanent secondary and sixth-form capacity at Holbeach Secondary School via additional land or buildings.

6.8 NHS

Requests a £122,100 financial contribution towards a new purpose built health centre/primary care centre or extension to an existing facility in Holbeach. Collaborative work is currently underway on the estates strategy for the Holbeach area as part of the Primary Care Network.

6.9 Lincolnshire Bat Group

Highlights the Preliminary Ecological Appraisals recommendations and further survey work required.

6.10 Lincolnshire Wildlife Trust

Preliminary Ecological Appraisal is a thorough appraisal of the site and makes positive recommendations, which should be conditioned. We recommend the use of a biodiversity metric (currently DEFRA Metric 2.0) to ensure no net loss of biodiversity and delivery of biodiversity net gain and contribution to a nature recovery network, although this is not yet a mandatory requirement. A Biodiversity Opportunity Map for your planning area would set the context for future delivery of net gain and contribute to development of a coherent nature recovery network.

6.11 SHDC Tree and Nature Conservation Officer

Brief comments with regard to trees/nature conservation, based on Tree Survey.

Every effort should be made to retain healthy boundary trees and hedgerows for screening purposes, with sufficient space around them to be maintained, and allow for development without encroachment on their Root Protection Areas (Please see British Standard 5837:2012). Ideally amenity areas should be situated adjacent to such natural features; to reduce the likelihood of the occupants of individual dwellings feeling dominated by trees, from a safety aspect and from shading.

From the tree survey there appears to be considerable areas of mixed native species and also buddleia bushes growing in the southern area of the site. This is likely to be forming a 'temporary' wildlife habitat; photographs in the Tree Survey otherwise show a field of what appears to be red cabbages.

The 'treed' southern area (grown up mainly I suspect through natural re-generation) will contain much wildlife, from nesting birds to hedgehogs and possibly amphibians too, it may well form a bat feeding corridor as insects are likely to be plentiful. In these days of re-wilding/natural capital, net-gain and wildlife corridors it is a shame some of the wild areas cannot be retained in some form to fulfil these potential commitments.

With regard to trees and hedgerows the usual conditions relating to tree protection will apply.

6.12 Environment Agency

No objection subject to condition requiring that the development be carried out in accordance with the submitted flood risk assessment and the following mitigation measures: Finished floor levels shall be set no lower than 4.32 metres above Ordnance Datum (AOD) with site ground levels raised to 4.17 metres AOD.

6.13 South Holland Drainage Board

Advises of the relevant consents that will/may be required.

6.14 Anglian Water

The foul drainage from this development is in the catchment of Holbeach Water Recycling Centre that will have available capacity for these flow. The sewerage system at present has available capacity for flows from the used water network. The surface water strategy submitted with the planning application relevant to Anglian Water is unacceptable as Anglian Water are unable to confirm that the capacity, in the network the strategy wishes to connect to, is sufficient to discharge the flows produced by the proposed development. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority. We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

6.15 SHDC Strategic Housing

The affordable contribution should be provided with a tenure split of 70% in favour of Rented and 30% Intermediate housing for sale dwellings, preferably Shared Ownership. To meet needs identified within the Strategic Housing Market Assessment (2014 & 2017 update) Strategic Housing would recommend that a mix of property types and sizes are provided for the affordable housing contribution, comprising of approximately 25% as one beds, 40% as two beds, 30% as three beds and 5% as four beds. The Rented homes will assist with meeting demand from the Council's Housing Register with Holbeach the preferred location for a significant proportion of those registered. It would be preferable for the homes to be built to the 'Nationally Described Space Standards', although this is not a requirement in policy. The policy also encourages homes that are capable of adaptation over time so it would be useful to understand if any of the homes are proposed to meet either M42 or M43 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. Ideally the affordable housing should be indistinguishable from the market and situated so as to enable a mixed and sustainable community.

6.16 SHDC Housing Department

Objects. As the landlord to a number of properties located on Battlefields Lane South, Holbeach we are extremely concerned with the additional load this development will have on the already struggling drainage system. Properties on Battlefields Lane have already experienced flooding due to an overload of the current system, most notably in June 2019. As a result of previous flooding issues LCC are undertaking a S19 flood investigation in this area (REF S19-228). and the status of this investigation is On-Going.

6.17 SHDC Environmental Protection (contaminated land)

Request the full land contamination condition at this location. Strongly suspect that soil/made ground from an adjacent site has been stored on this land and is not suitable for inclusion in residential development.

6.18 Public (64 objections/comments received, summarised)

- Concern re highway conditions, capacity, congestion, safety, suitability of sole vehicle access via Kings Road and none from Battlefields Lane South; and parking
- Concern re loss of light, impact on privacy and overbearing dwellings due to need to raise floor

levels

- High density
- Loss of agricultural land, plenty of brownfield sites around the country
- Lack of supporting infrastructure and facilities for residents
- Concerns re flooding and surface water drainage (on and off-site)
- Noise, vibration, disturbance and air pollution during construction period and after
- Construction traffic should access site from Battlefields Lane South rather than Kings Road
- Query re who will be responsible for maintenance of the Poplar trees adjacent to the cycle path
- Building for the sake of building
- Light pollution
- Impact on property values
- Impact on open views
- Impact on quality of life
- Wildlife concerns
- More dog bins required

6.19 Public (1 comment in support)

- A footway connection from Kings Road would benefit children walking to school

6.20 Public (other)

- Recommend the installation of 185 swift nest bricks to provide enhancement for biodiversity
- Comments have also been received from the Norfolk and Fens Cycling Campaign (KLWNBUG): This development should clearly state that both emergency accesses to Battlefields Lane are open to cycling and should make provision for an all-weather foot and cycle route through the Public Open Space Link shown on the masterplan. This development should contribute to the Battlefields Lane crossing of the A17 being improved to include a cycle crossing to enable a more direct route to Long Sutton and Sutton Bridge than the current detour via Route 1, due to its increase of motor traffic on the A17 and National Cycle Route 1. This development should contribute to cycle parking near the 505 stops or development of a safe cycle route between Holbeach and Spalding, to encourage some longer-distance trips to be done partly by cycle.

6.21 A petition of 155 names of those who are against the proposal has also been submitted. However, it is noted that 112 of those do not have addresses in Holbeach.

7.0 **CONSIDERATIONS**

7.1 **Planning Considerations**

7.2 Principle

7.3 The site is located within the settlement boundary for Holbeach as set out in the South East Lincolnshire Local Plan (2019), is a housing allocation (ref. HOB032 - 185 dwellings) and has a history of outline consents for residential development. The principle of this type of development on the application site has therefore already been established.

7.4 Access

7.5 The application, as submitted, proposed a single vehicular access point via Kings Road to the south, through the existing residential estate. This approach was taken in response to a condition that had been imposed on the two previous outline consents that there should be no through road between Kings Road and Battlefields Lane South. The reason that this condition was imposed was due to concerns being raised that a through road would be treated as a 'rat run' between Battlefields Lane South and Foxes Lowe Road, and would have a consequent impact on the amenity of residents. However, a significant number of objections received from residents to the present application expressed considerable concern regarding the amenity impact of all traffic being routed through Kings Road.

- 7.6 Consequently, and after consultation with the Highway Authority, the proposal has been revised to also provide a vehicular access off Battlefields Lane South.
- 7.7 Concerns regarding the impact of the development would have on the condition, capacity and safety of the highway network in the locality are all noted. However, in the absence of an objection from the Highway Authority, there is not a justifiable reason to refuse the application on highways grounds and it is considered that the proposal satisfactorily accords with Policy 2 of the Local Plan. This policy requires it to be demonstrated that access arrangements and vehicle generation levels will be acceptable.
- 7.8 Details of the route construction traffic should take would be secured by condition, and approved at a later date.
- 7.9 Parking arrangements cannot be assessed until detailed design stage.
- 7.10 Impact on character
- 7.11 The application relates to the principle of residential development of the site and the appearance, scale, layout and landscaping of the overall scheme would be considered at Reserved Matters stage. Whilst development on greenfield land in this location would alter the character of this part of the town, this was a matter considered through the Local Plan process, and it is not considered that this 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 town.
- 7.12 Policy 11 of the Local Plan provides an indicative capacity for the site of 185 dwellings - the same as is proposed in this application and has been previously consented. There has been no material change in circumstances that would indicate that this number of dwellings on the site is no longer appropriate.
- 7.13 In light of the above, the proposal is considered to satisfactorily comply with the aims and objectives of Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 as far as can be assessed at outline stage.
- 7.14 Residential Amenity
- 7.15 Details such as scale, layout and orientation of fenestration would be dealt with 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.
- 7.16 Impact on views and 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.
- 7.17 Overall, the proposal is considered to satisfactorily accord with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of amenity, at the present stage.
- 7.18 Flood Risk and Drainage
- 7.19 The site is a housing allocation in the Local Plan and is therefore a sequentially preferable site in flood risk terms.
- 7.20 The submitted Flood Risk Assessment identifies that finished floor levels of dwellings should be set no lower than 4.32 metres AOD as a flood mitigation measure. The Environment Agency

have no objection to the application on flood risk grounds subject to the development being carried out in accordance with the measures specified in the Flood Risk Assessment. The topographical survey indicates that existing levels across the site vary from as low as 2.66m AOD in the centre of the western part of the site, up to 3.66m AOD. The flood risk assessment suggests that site ground levels should be raised to 4.17m AOD, which is generally just over a metre above the levels at the site boundaries. This is a common arrangement on residential schemes and one which is capable of being mitigated satisfactorily in amenity terms.

- 7.21 A significant number of concerns have been raised regarding surface water drainage and this matter comprised the majority of resident objections. The proposal for this application site is to separate drainage into eastern and western catchments - The eastern catchment would outfall to an existing Anglian Water surface water sewer in Kings Road and the western catchment would outfall to the watercourse on the western boundary. Neither the IDB or Lead Local Flood Authority have objections to this proposal. However, Anglian Water require a more detailed drainage strategy before they can confirm that there is capacity in their network to accept surface water. Whilst it would clearly be preferable to address this matter prior to granting permission, the outline nature of the application means that it is not possible for the applicant to produce a detailed drainage strategy at this stage. Full details of drainage will therefore be conditioned in the usual way and an alternative means of surface water drainage could be considered through a condition compliance application if the need arises.
- 7.22 Connection would be made to the existing mains network for foul water discharge. Anglian Water have advised that both the Holbeach Water Recycling Centre and sewerage system have capacity available to accommodate flows from the site.
- 7.23 Given the above, 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.
- 7.24 Developer Contributions
- 7.25 Policy 18 of the Local Plan requires the provision of about 25% affordable housing on-site on market schemes in South Holland.
- 7.26 Furthermore, requests for financial contributions have been made by the NHS and Education Authority, as below:
- £122,100 financial contribution towards a new purpose built health centre/primary care centre or extension to an existing facility in Holbeach.
- £1,140,922 financial contribution towards additional primary capacity in Holbeach via the extension of an existing school or creation of a new school and additional permanent secondary and sixth-form capacity at Holbeach Secondary School via additional land or buildings. This is based on a formulaic approach given that the application is in outline form.
- 7.27 These contributions would be secured via a legal agreement.
- 7.28 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.
- 7.29 Ecology
- 7.30 A Preliminary Ecological Appraisal has been submitted in support of the application. This does not identify any significant adverse ecological impacts, although recommends that further survey (reptile survey, breeding bird survey, Phase II bat survey) work be undertaken for clarification, and makes recommendations for site design and enhancement.
- 7.31 Lincolnshire Wildlife Trust and Lincolnshire Bat Group have raised no objection.
- 7.32 Other Considerations
- 7.33 Impact on property values is a consideration, but one which only carries very limited weight in

the planning balance.

- 7.34 It is considered that a scheme is capable of being provided which would not have a material impact in terms of light pollution.
- 7.35 Concern has been raised regarding the lack of dog waste bins off-site. This is not a matter for this planning application, and such issues should be directed to the Environmental Services team.
- 7.36 The Poplar tree belt on the south-eastern boundary falls just within the application site and it is likely that they would become the responsibility of either individual dwelling owners or a management company, depending on the eventual layout of that part of the scheme.
- 7.37 Given the level of housing need in the district, it is unfortunately inevitable that there will be a loss of agricultural land in order to help meet this need. The loss of an agricultural site such as this would have been considered, and deemed acceptable on balance, as part of the Local Plan process.
- 7.38 Planning Balance
- 7.39 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. Notwithstanding the concerns that have been raised relating to highway matters and surface water drainage, it is not considered that there is a justifiable reason to withhold permission on these grounds.
- 7.40 Overall, it is considered that the planning balance is in favour of the proposal.
- 7.41 **Conclusion**
- 7.42 In light of the above considerations, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 6, 10, 11, 18 and 28 of the South East Lincolnshire Local Plan (2019), as well as guidance in the National Planning Policy Framework (2021).

7.43 **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.

8.0 RECOMMENDATIONS

- 8.1 Authorised to Grant Permission subject to the applicant entering into a Section 106 Agreement to secure the delivery of 25% affordable housing on-site, an education contribution of £1,140,922 and an NHS contribution of £122,100, and those Conditions listed at Section 9.0 of this report.**

9.0 CONDITIONS

1. Application for approval of reserved matters must be made not later than three years beginning with the date of this permission, and the development must be begun before the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

001 Rev A

087.5011.501 Rev C

087.0011.002 Rev A

087.0011.003 Rev A

Design Strategy Document (prepared by Bright Space Architects, dated January 2021)

Flood Risk Assessment (prepared by Paul Basham Associates Ltd, dated 24th February 2022)

Arboricultural Impact Assessment (prepared by Ligna Consultancy, dated 27th January 2021)

Tree Survey (prepared by Ligna Consultancy, dated 8th December 2020)

Archaeology Statement (prepared by Cotswold Archaeology, dated December 2020)

Planning, Design and Access Statement, prepared by (Ken Parke Planning Consultants Limited, dated January 2021)

Preliminary Ecological Appraisal (prepared by Eco Support, dated 16th December 2020)

Transport Assessment (prepared by Paul Basham Associates Ltd, dated January 2021)

Travel Plan (prepared by Paul Basham Associates Ltd, dated January 2021)

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

3. No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:
i) the layout, scale and external appearance of the building(s) (including a schedule of external materials to be used); and
ii) the landscaping of the site (including boundary treatment).

The development shall be carried out as approved.

Reason: To meet the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to, and approved in writing by, the Local Planning Authority.

The Construction Management Plan and Method Statement shall include details of;

- how disturbance during the construction process through noise, dust, vibration and smoke shall be minimised;
- the phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off site routes for the disposal and excavated material; and
- a 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 (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

Reason: In the interests of residential amenity and the safety and free passage of those using the adjacent public highway. Also 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 and that suitable traffic routes are agreed. This Condition is imposed in accordance with Policies 2, 3, 4 and 30 of the South East Lincolnshire Local Plan, 2019.

5. Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before commencement of the construction of the development and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development.

Reason: In the interests of highway safety during the construction process. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

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

6. No dwellings hereby permitted with a direct frontage to Battlefields Lane South shall be occupied before a two metre wide footway along the Battlefields Lane South frontage of the site has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property. This Condition is imposed in accordance with Policies 2, 3 and 33 of the South East Lincolnshire Local Plan, 2019.

7. 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.

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

8. 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;
- prevent site surface water from being cast onto adjacent land and property by means of suitable arrangements for the capture, conveyance and disposal of surface water run-off on all boundaries of the site;
- 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 with the surface water receiving body, shall be restricted to the low lying and pumped catchment area rate of 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 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, 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, 2019.

9. The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA).

The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:

- i) A preliminary risk assessment (desk study) shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). A full copy of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.
- ii) If identified as being required following the completion of the desk-top study, an exploratory site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed end use. A full copy of the site investigation and findings shall be forwarded to the LPA without delay upon completion.
- iii) Thereafter, a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.

No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

10. If contamination of land and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition 9 above and remediation is required, a full copy of a verification report shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation objectives and criteria has been fully met.

Note: The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

Reason: To ensure the satisfactory remediation of contaminated land and/or waters.

This Condition is imposed in accordance with Condition 30 of the South East Lincolnshire Local Plan, 2019.

11. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:
1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 2. A methodology and timetable of site investigation and recording
 3. Provision for site analysis
 4. Provision for publication and dissemination of analysis and records
 5. Provision for archive deposition
 6. Nomination of a competent person/organisation to undertake the work
 7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.
- The archaeological site work shall only be undertaken in accordance with the approved written scheme.
- Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.
12. The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 11 above in order to facilitate adequate monitoring arrangements.
- Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.
13. A copy of the final report required in connection with Condition 11 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.
- Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.
14. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (prepared by Paul Basham Associates Ltd, dated 24th February 2022) forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:
- Finished floor levels shall be set no lower than 4.32 metres above Ordnance Datum (AOD) with site ground levels raised to 4.17 metres AOD.
- Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

15. Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: To reduce the risk of flooding of the development and to ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

16. When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by a scheme of landscaping and tree planting indicating (including screening of bin collection points), inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post-planting maintenance and such a scheme shall require the approval of the Local Planning Authority before any development is commenced. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

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

17. Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

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.

18. Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.

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

19. The development hereby permitted shall not be commenced before details of the means of storage and disposal of refuse and recycling, as well as appropriate management and maintenance, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of relevant dwellings and shall thereafter be retained.

Note: For residential development, reference should be made to the Council's published PRIVATE DRIVES - WASTE VEHICLE COLLECTION SERVICE - GUIDANCE NOTE when submitting these details.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

20. Before the commencement of development hereby permitted, details of the management and maintenance schedule for the areas of landscaping, public open space, incidental open space and parking courts/private drives shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be maintained in accordance with the approved details.

Reason: To ensure that adequate provision is made for the management and maintenance of the those areas.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

21. Prior to the commencement of the development hereby permitted beyond oversight, a plan illustrating all areas of publicly accessible open space shall be submitted to and approved in writing by the Local Planning Authority. The areas so approved shall be laid out and made available for use in accordance with a specification and phasing that shall first be agreed in writing by the Local Planning Authority, and shall thereafter be so maintained.

Reason: To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the open space.

This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

22. Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.

Reason: To ensure that the Local Planning Authority retains control over these details 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.

23. The development hereby permitted shall be carried out in accordance with the recommendations set out in Section 6.0 of the submitted Preliminary Ecological Appraisal (prepared by Eco Support, dated 16th December 2020), including the recommendations for further survey work.

Reason: In the interests of biodiversity.

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

24. Prior to the commencement of the development hereby permitted, a Biodiversity Net Gain Plan to demonstrate a minimum of 10% net gain in biodiversity on-site shall be submitted to, and approved in writing by, the Local Planning Authority.

This shall be supported by a Biodiversity Management Plan setting out how the biodiversity enhancements will be managed and monitored for the lifetime of the development.

NOTE: The Biodiversity Metric 3.0 (or any successor) should be used to calculate the percentage increase in biodiversity.

The development shall be undertaken and thereafter maintained in accordance with the approved details.

Reason: In the interests of achieving a minimum of 10% Biodiversity Net Gain on-site. This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

25. Three swift nest bricks shall be incorporated within the external walls of each dwelling (where two storey) 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.

26. Where trees are shown within the submitted Arboricultural Impact Assessment (prepared by Ligna Consultancy, dated 27th January 2021) to be retained on site they shall be protected during construction work as follows:

i) chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made,
ii) no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;
iii) no services shall be routed under the spread of the crowns of the trees to be retained;
iv) no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority;
v) if any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of trees on the site.

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 15 of the National Planning Policy Framework, 2019.

27. The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district.

This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

28. 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>
29. All roads within the development hereby permitted must be constructed to an engineering standard equivalent to that of adoptable highways. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980. In all cases, the developer is advised to undertake early discussions with statutory undertakers to co-ordinate the laying of utility services under the highway.
30. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.
31. Under the Wildlife and Countryside Act 1981 (as amended) all birds, their nests and eggs are protected by law and it is an offence to damage or destroy the nest of any wild bird while it is in use or being built. In the event of query please contact Natural England at their Lincoln office on 03000 603900.
32. Bats are protected species under the Wildlife and Countryside Act 1981 (as amended) and in the event that bats are living in any cavities in the tree(s), or if they are discovered while the works are taking place please inform Natural England at their Lincoln office on 03000 603900 before works proceed.
33. This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated ***** and can only be implemented as a consequence of meeting the provisions of that Agreement

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

