

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 08 March 2023

(Author: Richard Fidler - Development Manager)

Purpose: To consider Planning Application H09-0468-16

Application Number: H09-0468-16

Date Received: 03 May 2016

Application Type: OUTLINE

Description: Proposed residential development of approximately 650 dwellings with site access, open space and landscaping

Location: Land between A17 and A151 Holbeach Spalding

Applicant: LCC and Mr R H & Mr A M Goodley

Agent: Robert Doughty Consultancy Ltd

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=H09-0468-16>

1.0 REASON FOR COMMITTEE CONSIDERATION

- 1.1 The application is a major development, one of the applicants is Lincolnshire County Council and viability matters.

2.0 PROPOSAL

- 2.1 Outline planning permission with all matters reserved is sought for a residential development of approximately 650 dwellings, site access, open space and landscaping. The application was previously considered by the Planning Committee on 2 November 2016, when it resolved to grant outline planning permission subject to the completion of a Section 106 agreement for the provision of, or contributions towards affordable housing, open space, health care facilities, highways, town centre improvements and education. A copy of the 2 November 2016 Committee report and minute is included as Appendix B.

- 2.2 Subsequently, the applicants have submitted viability appraisals, which have been reviewed by the Council's independent consultant and the contributions now put forward are as follows:

Affordable Housing:

Across the application site 20% across three phases of development. Delivery will be phased and each phase will deliver affordable housing at the following rates:

Phase 1, 7% (23 affordable units in phase of 323 dwellings)

Phase 2, 25% (44 affordable units in phase of approximately 175 dwellings)

Phase 3, 41% (63 affordable units in phase of approximately 152 dwellings)

Affordable Housing will be provided at 70% Affordable Rented and 30% Affordable Shared Ownership.

A viability review will be included at the start of each phase in order to ensure the affordable

housing requirement is still appropriate.

Education

Financial contribution of £3,998,151 towards the provision of increased primary, secondary and sixth form provision.

Health

Financial contribution of £288,360 to extend GP facilities in Holbeach.

Public Open Space

To secure the provision of public open space and its ongoing maintenance.

- 2.3 A copy of the draft heads of terms for the Section 106 agreement submitted by the applicant is included as Appendix C.
- 2.4 Since the application was last considered by the Planning Committee the South East Lincolnshire Local Plan (SELLP) has been adopted. The application site is part of a wider housing allocation site of 42.2 hectares, Hob048 (Land east of the A151 (SUE)) of the SELLP, which is allocated for development of around 750 dwellings within the local plan period. As can be seen from the planning history section of the report below full planning permission has been granted for 103 dwellings on the remainder of the allocated site.

3.0 SITE DESCRIPTION

- 3.1 The site is to the west of Holbeach, situated between the town to the east, the A151 to the west and the A17 to the north. The site topography is generally level and is predominantly characterised by arable farm land. The site area is 31.86 hectares.
- 3.2 Since the application was last reported to the Committee, the roundabout to the Peppermint junction of the A17 and A115 has been constructed as well as a roundabout to the A151, which provides access to this site and the Food Enterprise Zone (FEZ) to the west.

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.

- 1 Spatial Strategy
- 2 Development Management
- 3 Design of New Development
- 4 Approach to Flood Risk
- 5 Meeting Physical Infrastructure and Service Needs
- 6 Developer Contributions
- 10 Meeting Assessed Housing Requirements
- 11 Distribution of New Housing
- 16 Holbeach West Sustainable Urban Extension
- 17 Providing a Mix of Housing
- 18 Affordable Housing
- 28 The Natural Environment
- 29 The Historic Environment
- 30 Pollution
- 31 Climate Change and Renewable and Low Carbon Energy
- 32 Community, Health and Well-being
- 33 Delivering a More Sustainable Transport Network
- 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 2 - Achieving sustainable development
Section 4 - Decision making
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 H09-1169-15 - Road improvement scheme to incorporate 2 new roundabouts (A151 and A151/A17 junction, road widening, re-contouring of ground levels, stopping up of Northons Lane and other minor access ways, site compound/construction and storage areas and associated landscaping, drainage and other works. - Approved by Lincolnshire County Council 15 March 2016.
- H09-0602-20 - Land north of Northons Lane and Oakwood Glade, construction of 103 dwellings - Approved 16 December 2021.
- H09-0786-22 - Tulip Fields, Off Northons Lane, S73A application Construction of 103 dwellings - approved under H09-0602-20. Modification of Condition 2 to allow amendments to previously approved plans.- Approved 2 December 2022.

6.0 REPRESENTATIONS

- 6.1 The application has not been subject to further publicity since it was reported to the Planning Committee in November 2016. The representations received were set out in the earlier Committee report. Since that time the following further representations have been received.

6.2 South Holland Internal Drainage Board

Additional comments made February 2022:

As referenced previously, there are a number of Board Adopted Watercourses located within the site boundary. Any works or structures (including pipe outfalls with associated headwalls) located within 9 metres of any of these Adopted Watercourses will require land drainage consent to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure). The Board seeks to retain a 9 metre wide open maintenance strip on both sides of each Adopted Watercourse. Each respective maintenance strip will need to be accommodated into the plans.

Since submitting comments in 2016, the Board has resolved to undertake a programme of improvement works to certain Adopted Watercourses within the District to increase volume capacity for flood risk management. It is the Board's intention for Adopted Watercourses within the site boundary to be improved under this programme.

Through the process of widening the drain bed and lessening the gradient of the batter slopes, the brink (bank crest) on each side of the watercourse will extend landwards. Effectively, this will alter the measured 9 metre byelaw distance from the brink of each Adopted Watercourse. The Board's flood risk management works are therefore likely to affect the site layout plan. The potential loss of land and change in the watercourse area will need to be accommodated into future site plans and drawings.

If the site drainage strategy involves a direct surface water discharge into a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws. The Board may require improvements to be made to a receiving watercourse as a condition of

any consent granted.

Any proposals to alter other riparian (private) watercourses, such as by culverting for vehicle crossings, within the development boundary will require consent under the Land Drainage Act.

6.3 Lincolnshire Wildlife Trust

No objection but made the following comments in September 2018:

Fully support the recommendations and enhancements suggested in the Ecology and Protected Species Survey, August 2014 by Scarborough Nixon Associates.

Have the following comments and suggestions to make to improve the proposed master plan to benefit people and wildlife.

Ecological surveys should be updated as were completed in 2014.

Support retention of existing features on site including ditches, mature trees and hedgerows and the linear planting around the edges of the site in the form of a green shelter belt along the A151 / A17. However, within the proposed master plan for this site, there is little or no green space or linkages from east to west across the site. This could be achieved by providing appropriate native, species rich grass seed mixes along verges, footpaths and cycle ways. Flowering lawn mixes can be used within gardens or where a heavier mowing regime is required. Suggest the developer seeks advice from a Flora Locale accredited seed company who can recommend suitable mixes for soil type and position.

Support the buffering of existing ditches and drains, these features have great importance locally as part of the fenland setting. They can be as species rich as hedgerows, supporting a great diversity of plants, insects and animals. Would like to see native, species rich margins established and managed alongside them.

Support the areas of green space provided around existing areas of biodiversity including the drain bank to the north and the site with buildings, grassland and ponds to the south. Green, publicly accessible, spaces are an excellent addition to any development for improving health and well-being. They can provide enhancements for wildlife, improve the plight of pollinator species and increase opportunities for residents to engage with the natural world. In the subsequent landscaping information, would like to see details of how the areas of public open space will support and be managed for biodiversity and provide and link wildlife habitat through the site.

There are no indications of any Sustainable Drainage Schemes (SuDS) within the site. If these are to be a drainage feature, would expect to see them designed with wildlife in mind as well as providing a flood alleviation function. This should include good terrestrial habitat around the edges of features and along swales.

Would like to see more direct connections between the existing ponds and creation of new ponds and green spaces through the site including on the southern & eastern boundary. This will allow movement of wildlife, particularly amphibians, between ponds and terrestrial habitat which will help to complete their lifecycle. Enhancements can also include log and rock piles and hibernacula to benefit reptiles, amphibians and insects. Of particular concern is the proposed isolation of the existing pond on the southern edge of the site being surrounded by roads on two sides. It would be more beneficial to have the pond linked by green corridors to other ponds to allow movement of wildlife through the site.

Support recommendations to incorporate bat and bird boxes on houses. Raised fence lines can easily and cheaply be incorporated into gardens to support passage of wildlife including hedgehogs.

Recommendations relating to protected species in the Ecology Report
Great Crested Newts - Was the eDNA test, recommended in the report, carried out in the year following the survey (Spring 2015)? This should be carried out before work commences. The only acceptable time period for this survey is April - June. If great crested newts are present, mitigation will be required and should be integrated into the landscape scheme.

Bats -The survey highlights that areas of the site have potential for roosting and commuting and foraging bats. Support the recommendations for further surveys if the buildings and mature trees are to be impacted by the development.

Depending on the results of the surveys, further work or mitigation may be required and this should be planned into the timeframe of works. Recommendations have been made for enhancing the site for this species. Would like to see details of how this will be achieved including creation of dark, unlit wildlife corridors and low spill lighting throughout the site.

6.4 Public

From a resident of Holbeach in May 2017:

Another huge residential development for Holbeach!! Why build the FEZ and then take away agricultural land to build yet another huge residential development. This proposed development will NOT be good for Holbeach which is already overrun by housing estates with another huge estate which has already obtained planning permission off of Fen Road.

The proposed site will greatly affect residents living on Northons Lane which is one the nicest parts of Holbeach with an enormous increase in traffic, noise and pollution. This development would put an enormous strain on drainage and sewerage which by now must be at breaking point therefore increasing the possibilities of flooding. Services such as doctors, dentists and schools would not be able to cope with such an influx of people. There is very little in the town as regards Social facilities for residents and in fact the town itself is becoming a mess. It would seem that Holbeach is heading in the direction of becoming one big ghetto. I therefore strongly object to this development.

7.0 **CONSIDERATIONS**

7.1 **Planning Considerations**

7.2 Principle of Development and sustainability

7.3 Although currently agricultural land, the application site is located within the settlement boundary of Holbeach, which is considered to be a Main Service Centre within the South East Lincolnshire Local Plan. Within the settlement boundaries of Main 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.

7.4 Paragraph 3.2.11 of the SELLP addresses Holbeach specifically:

Holbeach is of a very different scale to the other Main Service Centres and has a historic core and a range of services of a much greater concentration and magnitude, including further-education opportunities. Coastal flood risk is also a significant issue for the settlement especially given its need to meet the demand for housing. The proximity of the town to the A17 also means that future traffic impacts are a significant consideration (see Policy 33: Delivering a More Sustainable Transport Network) in bringing forward new residential development, as well as significant new employment land (Site HO002).

7.5 The application site forms the majority of a wider housing site allocation set out in Policy 16: Holbeach West Sustainable Urban Extension of the SELLP. The application site is part of a wider housing allocation site of 42.2 hectares, Hob048 (Land east of the A151 (SUE)) of the SELLP, which is allocated for development of around 750 dwellings within the Local Plan period.

7.6 The Holbeach West Sustainable Urban Extension is identified as a strategic location for new housing over the Local Plan period and beyond. It is an extensive, mainly greenfield site, covering about 44 hectares, adjacent to the western boundary of Holbeach, extending west to the A151 and is contained to the north by the A17, and to the south by the Spalding Road. The site is closely related to HO002: Holbeach Food Enterprise Zone (see Policy 7: Improving South East Lincolnshire's Employment Land Portfolio and Policy 8: Prestige Employment Sites) to the west of the A151.

7.7 The National Planning Policy Framework recognises that allocations should help deliver the development and infrastructure required in the Local Plan area over the period of the Local Plan. The residential provision at Holbeach West is an opportunity to bring forward a range of new housing, early in the Local Plan period, as part of a comprehensively planned and

sustainable neighbourhood with associated community facilities, and green and physical infrastructure.

7.8 Policy 16: Holbeach West Sustainable Urban Extension

44 ha of land at Holbeach West is allocated for residential use, and will be developed according to a master plan for the area, to be agreed with South Holland District Council, so as to deliver the following:

- 1. approximately 900 new homes, of which about 750 new dwellings and associated infrastructure will be delivered in the Local Plan period (2011-2036); the remaining dwellings and associated infrastructure will be delivered thereafter, as part of a new neighbourhood;*
- 2. up to 25% affordable housing provided across the development, the tenure mix to be agreed prior to each phase;*
- 3. an overall housing mix to include housing designed to meet the national space standards, be capable of being readily adapted to meet a range of needs and/or housing to meet specific needs;*
- 4. publicly accessible green infrastructure to include:*
 - i. green corridors alongside the New River Drain and other drains crossing the site to provide a well-connected green network for access and recreation and to enhance the historic environment;*
 - ii. wetlands and woodland and associated environmental enhancements to enhance the biodiversity value of the site;*
 - iii. a 2ha local park and other multifunctional open space to be a focus for informal recreation and children's play within each neighbourhood*
 - iv. specific requirements identified to mitigate any impacts identified by the project-level HRA;*
- 5. significant structural landscaping belts along the boundaries with the A151 and the A17;*
- 6. a flood management scheme for fluvial and surface water run off;*
- 7. a foul drainage strategy for the Holbeach West Sustainable Urban Extension as a whole, and for each phase;*
- 8. a network of linked streets, including new road links from the A151 and Spalding Road connecting the northern and southern areas;*
- 9. new high quality walking and cycling access along main routes and green corridors to link in with existing foot/cycle paths, including a new foot/cycle path along Northons Lane;*
- 10. capacity to extend public transport routes within the site and to link to HO002: Holbeach Food Enterprise Zone;*
- 11. high speed broadband to every home.*

Improvements to physical and community infrastructure will be required to mitigate the impact of development and contribute to the creation of a sustainable community. These will be secured via a s106 agreement to:

- 1. support the provision of the roundabouts on the A151 and at the A151/A17 junction which will enable access to the residential site and the proposed Holbeach Food Enterprise Zone;*
- 2. provide additional nursery, primary and secondary school places;*
- 3. support the provision of health care facilities; and*
- 4. enhance existing sports facilities in Holbeach.*

Exceptionally, where these requirements cannot be delivered, a comprehensive viability assessment should be submitted with a planning application to aid negotiations.

Notwithstanding the provisions of other policies in this Local Plan, all proposals for development within the designated area of this SUE will be subject to developer contributions, the calculation

of which will be subject to viability.

The preparation of a master plan should have regard to the key constraints outlined below:

- 1. the site is within Flood Zone 3a, and the SFRA identifies flood hazard in 2115 as a combination of 'danger for most' and 'danger for some' and flood depth in 2115 as 0m-1.0m. Development will be required to include appropriate mitigation;*
- 2. the site has considerable heritage significance as it comprises the immediate and wider setting of a Grade II listed building (The Old Cottage);*
- 3. a sewer pipe crosses the site, and therefore the site layout should be designed to take this into account consistent with the requirements of Policy 5: Meeting Physical Infrastructure and Service Needs of the Local Plan and*
- 4. the site lies within the encroachment zone for Holbeach Water Recycling Centre (WRC). Accordingly, the risk of odour should be considered as part of the master planning of the site with the requirements of Policy 30: Pollution of the Local Plan. Development proposals will need to demonstrate that neither the continuing use of the WRC nor the residential amenity of future occupants will be compromised.*

Within the SELLP is a draft masterplan, (See page 266 of SELLP), that shows the constraints of the site and an area of the site as Residential Development Land accessed independently from estate roads, with site access shown from Oakwood Glade and Cedar Drive. That is the site with planning permission for 103 dwellings. The current application site would be accessed from the A151 roundabout and also from Spalding Road.

- 7.9 With regard to the Sequential Test and Exception Test in order that new development is steered towards areas with the lowest probability of flooding (Flood Zone 1). Where there are no reasonably available sites within Flood Zone 1, Local Planning Authorities in their decision making should consider the flood risk vulnerability of land uses and consider all reasonably available sites in Flood Zone 2 (areas with a medium probability of flooding), and only applying the Exception Test as required. Only when there are no reasonably available sites in either Flood Zone 1 or 2, should sites in Flood Zone 3 (areas with a high probability of flooding) be considered with full reference made to the land use flood risk vulnerability and applying the Exception Test when necessary.
- 7.10 The application site is part of the wider Holbeach West Sustainable Urban Extension, and was considered to be a sequentially preferred site as part of the Local Plan considerations. The loss of this agricultural land is accepted by this policy stance. In terms of principle, the application proposal accords with the intentions of Policies 1, 4, 16 and 33 of the SELLP.
- 7.11 Given the quantum of this development, the developer contributions required and links to the existing road network of Holbeach, it is recommended that a phasing condition is appended to any permission granted, to seek details of the phasing of building out this site. This would be in order to control aspects such as construction management and vehicle routing.
- 7.12 Viability and developer contributions
- 7.13 Obligations proposed when the application was reported to Committee in 2016 are set out in the report included as Appendix B but for clarity are as follows:
- Affordable housing - 33.3%;
Education - £3,998,151;
Health - £288,600;
Peppermint Junction - c£720,000;
Holbeach Town Centre Improvements - unspecified amount;
Provision of Open Space.
- 7.14 Following the resolution to grant, the S106 agreement was not progressed and in 2018 the applicants first raised the viability of the development. Following protracted discussions, the situation was reached where a revised viability assessment was submitted in 2022. The latest report from the applicant's viability advisor was submitted in December 2022 and is attached at Appendix D to this report. The applicants' agent in the accompanying letter states:

"This update has concluded that, except for the value of the larger, five bed units the assumptions made by, CPV, the Council's advisor, are now agreed. The value of the five bed unit adopted by our client's advisor has come from the Ashwood Homes development in Holbeach, and is considered to be accurate.

Based on the new appraisal our clients are now in a position to offer provision of 20% affordable housing, based on the actual sales figures for 2 February 2022, and assuming a phased scheme (as set out in our letter of 16 August 2022) with increasing proportions of affordable housing being provided in each successive phase.

This approach will allow for early phases of development to pay for "opening up" of the site, with regard to relocation and upgrading of power supply, land raising, provision of spine road and surface water drainage strategy, etc. Without investment in "opening up" it is unlikely the site will be developed.

We note 20% affordable provision is less than the 22.3% identified by CPV in their assessment of 11 May 2022, but trust that CPV will accept the recent analysis based on actual sales figures and evidence of values for the five-bed units from the new development in Holbeach as an accurate representation of the position on the agreed base date."

- 7.15 In response CP Viability note that the applicants are "proposing a compromise offer of 130 affordable dwellings (20%), compared to my suggested figure in Feb 22 of 143 affordable dwellings (22.03%). This is a significant improvement compared to their previous offer of 9.24%. Please note, the affordable housing provision is in addition to the S106 contributions, which total £4,343,950.

In terms of the current market conditions, the applicant is correct to suggest that the climate is more difficult and uncertain than it was in Feb 22. Build cost inflation has grown significantly since this time, and whilst this was initially matched by sales price growth (at least up until the end of the Summer 22), more latterly further increases in the Bank of England base rate and subsequent sharp increases in mortgage rates (together with the cost of living crisis) has meant house prices are now faltering.

We are a little in limbo at the moment in terms of transactional evidence as the Land Registry data is still only up to Sept (before the real volatility kicked in). However, even so the signs are from availability that prices are already falling (and the anecdotal evidence such as the attached support this). It is therefore difficult to criticise the applicant's description of the current market and also the sentiment that viability pressure has increased in recent months (and is likely to increase in the coming months).

In light of these current market conditions, I consider the offer forwarded by the applicant to be a reasonable compromise offer and (having considered the risk and cost of this ending in an appeal) my recommendation would be to accept this.

However, the Council should only accept this offer on the basis that a S106 review mechanism is entered into (i.e. viability is tested at later stages of the development as dwellings are brought forward). This would give the Council the ability to recover some of its lost affordable housing requirement in the event that market conditions improved in the future."

- 7.16 The financial contributions put forward in the draft Heads of Terms represent the requests from LCC education and NHS at that time and total £4,286,511. It is to be noted that the viability appraisals have been undertaken with a figure of £4,343,950 for S106 contributions. The draft Heads of Terms are put forward as a discussion document, however the view of officers is that the contributions in the final S106 agreement should total £4,343,950. This could either be split between education and health or elements of those contributions reduced to allow for a financial contribution to Peppermint junction as originally envisaged when the Planning Committee previously resolved to grant outline planning permission.
- 7.17 With regard to the affordable housing contribution this is proposed to be phased to allow for the "upfront" infrastructure costs required to open up the site to be provided. This is considered to be an acceptable approach subject to a review mechanism as recommended above by CP Viability.
- 7.18 Other Matters

7.19 The policy situation has changed somewhat since this application was previously considered in 2016 with the adoption of the South East Lincolnshire Local Plan and the revisions to the National Planning Policy Framework, most recently in 2021. However, it is considered given that this is an allocated urban extension site in the SELLP, the considerations of the previous report remain valid in the updated policy context and the majority of matters may be dealt with either by the imposition of conditions or the submission of further documents prior to the final determination of the application. In particular, the flood risk assessment should be updated, together with updated ecological reports and surveys, including the requirement of Policy 28 of the SELLP for this site to be the subject of a project-level Habitats Regulations Assessment (HRA) to assess the impact of recreational pressure on The Wash and North Norfolk Coast European Marine Site. If the HRA concludes that avoidance and/or mitigation measures are required, it is expected that Suitable Alternative Greenspace (SANG) is provided as part of the mitigation measures. Policy 28 also requires that all development proposals provide an overall net gain in biodiversity. This would be possible to achieve given the amount of structural landscaping and other open space to be provided as part of this development.

7.20 Planning Balance

7.21 The principal of residential development on this site has already been established by virtue of the housing allocation in the SELLP. It is not considered that the proposal would materially harm the amenity of nearby residents. Flood risk and drainage matters may also be appropriately addressed subject to updated assessments or by the imposition of conditions. Ecology matters need to be addressed by updated reports and by submission of a project-level HRA. The conclusions of the independent viability assessment indicate that reduced developer contributions are acceptable, subject to a review mechanism in respect of the phased approach to the delivery of affordable housing. Whilst it is undeniable that a development of this scale will alter the character of the area, this is a matter that was considered during the Local Plan process, and is not a debate to be considered at length in terms of this application.

7.22 Overall, it is considered that the planning balance is in favour of the proposal.

7.23 Conclusion

7.24 In light of the above considerations and subject to the receipt of update and additional information as outlined above, the proposal is considered to be in general accordance with Policies 1, 2, 3, 4, 5, 6, 11, 16, 18, 28, 29, 30, 32, 35 and 36 of the SELLP, as well as guidance in the National Planning Policy Framework (2021).

7.25 **Additional Considerations**

7.26 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.

7.27 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 **Grant outline permission subject to the applicant entering into a Section 106 agreement to secure affordable housing, education contribution, healthcare contribution, public open space and potentially a contribution to Peppermint Junction, the receipt of an updated Flood Risk Assessment, ecology reports and a project-level Habitats Regulations Assessment (HRA) 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 fifteen 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 and/or documents:

Master plan (Drw No. 480-21-MP01);
Flood Risk Assessment;
Phase 1 Ground Contamination Assessment (ref 32892/3501/PJ/AZ/OE);
Noise Assessment; Air Quality Assessment;
Planning Statement 180 21 PS MB;
Design and Access Statement;
Protected Species Report;
Flood Risk Assessment;
Tree Constraints (607/15d/ (TWO FIVE));
Geophysical Survey (archaeol1-204520);
Transport Assessment;
Site Location Plan (480-21-LP101).

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);
ii) the means of access to the site; and
iii) 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. Before the development commences, a programme for the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved programme.

Reason: In the interests of clarity and certainty and in order to bring forward a phased development which will be delivered to a high standard of design and durability in the interests of promoting a coherent and sustainable form of development.
This Condition is imposed in accordance with Policy 16 of the South East Lincolnshire Local Plan, 2019.

5. Vehicular access to the permitted development shall be from the site access points identified on the submitted Masterplan drawing numbered 480-21-MP01 Rev. A.

Reason: To ensure the provision of safe adequate means of access to the permitted development.
This Condition is imposed in accordance with Policies 2, 3 and 16 of the South East Lincolnshire Local Plan, 2019.

6. Vehicle access to the permitted development from Spalding Road shall be in the form of a Ghost Island right-turn land, the design of which shall be submitted to the Local Planning Authority for approval.

Reason: To ensure the provision of safe and adequate means of access to the permitted development.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

7. There shall be no direct public vehicular access to the permitted development from the east via Northons Lane.

Reason: In the interests of highway safety and to protect the amenity of existing residents of Northons Lane.
This Condition is imposed in accordance with Policies 2, 3 and 16 of the South East Lincolnshire Local Plan, 2019.

8. Before the commencement of each phase of 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. 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 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

9. Finished floor levels shall be set 1.0m above existing ground levels, with flood resilient construction incorporated to a minimum of 300mm above maximum flood depth, in accordance with details to be submitted to and approved in writing by the Local Planning Authority or, in accordance with a flood risk assessment to be submitted to and approved in writing by the Local Planning Authority.

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 Policy 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

10. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment 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:

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.

11. Each phase of 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 indicate measures to mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include;

- 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;
- a strategy stating how surface water run off on and from the development will be managed during construction

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

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

12. 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.

13. 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.

14. 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 13 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.

15. A copy of the final report required in connection with Condition 13 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.

16. 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.

17. If contamination of land and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition 16 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.

18. Each phase of the development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide 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 shall be restricted to ***** litres per second;
- 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, 2021.

19. Before the commencement of the each phase of the development hereby granted, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained and to avoid pollution.

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

20. No dwelling permitted in any phase of the development hereby permitted shall be occupied until provision for a secure, covered, convenient space to store at least two bicycles has been provided in accordance with details which shall first be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate secure facilities are provided for cyclists using the site. This Condition is imposed in accordance with Policy 36 of the South East Lincolnshire Local Plan, 2019.

21. When each 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.

Note: The applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development. The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.1 (or any successor).

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.

22. Prior to its installation, details of the proposed boundary treatments for each phase of the development, 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.

23. An equipped children's play areas shall be provided within the site. The timing of the implementation, location, detailed design, layout, specification of the equipment, and the management and maintenance regime of the play area shall be submitted to and approved in writing by the Local Planning Authority. The play area shall be provided in accordance with the details so approved, and thereafter so maintained.

Reason: To ensure that adequate play provision is made for the occupiers of the development hereby permitted and that the facility is adequately managed and maintained. This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

24. A management plan for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted beyond oversight. The management of these areas shall be carried out in accordance with the details so approved.

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.

25. 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.

26. Before the commencement of each phase of the development hereby permitted, details of the management and maintenance schedule for the areas of landscaping, incidental open space, refuse/recycling collection points 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.

27. 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.

28. Before the commencement of each phase of the development hereby permitted, a report prepared by a qualified noise consultant shall be submitted to and approved in writing by the Local Planning Authority. This report shall identify any measures or works necessary to ensure that there is no possible nuisance caused to nearby residential properties. Those measures and works so approved by the Local Planning Authority shall be implemented in full before the development hereby granted is first brought into use.

Reason: To ensure that there is no noise nuisance to nearby residents. 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.

29. No part of the development hereby approved shall commence until details of the alternative provision of allotments with equivalent community benefit has been submitted to and approved in writing by the Local Planning Authority. Once approved the alternative allotment provision shall be provided in accordance with these details and maintained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason:

This Condition is imposed in accordance with Policy 16 of the South East Lincolnshire Local Plan, 2019.

30. The development site is within 15 metres of a sewage pumping station. Whilst Anglian Water takes all reasonably practicable steps to prevent any nuisance arising from the site, there should be no development within 15 metres from the boundary of a sewage pumping station of this type if the development is potentially sensitive to noise or other disturbance or which might give rise to complaint from the occupiers regarding the location of the pumping station.
- Reason: To avoid causing future amenity problems.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.
31. During the construction of the development no tree or shrub felling, lopping or clearance shall take place between mid-February and the end of July.
- Reason: To ensure that birds and their nests are protected during the nesting season.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2021.
32. When application is made to the Local Planning Authority for approval of the reserved matters, that application shall be accompanied by a Biodiversity Net Gain Plan to demonstrate a measurable net gain of biodiversity on-site.
- This shall be supported by a Biodiversity Management Plan setting out how the biodiversity enhancements will be managed and monitored for a 30-year period.
- NOTE: The Biodiversity Metric 3.1 (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 Biodiversity Net Gain on-site.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.
33. 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.
34. Any additional conditions or amended conditions which may be required following the receipt of updated Flood Risk Assessment, ecology reports and Habitats Regulation Assessment.
35. 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

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Appendices attached to this report:

Appendix A Plan A

**Appendix B Committee Report
Minutes**

Appendix C Draft Heads of Terms

**Appendix D Letter from Savills re: Viability Review
Savills Appraisal Summary
CP Viability Report**