SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 12 January 2022**

(Author: **Lucy Buttery - Principal Planning Officer)**

Purpose: **To consider Planning Application H09-0613-21**

Application Number: H09-0613-21 **Date Received:** 02 June 2021

Application Type: FULL

Description: Residential development of 81 dwellings, associated garaging, roads and sewers

Location: Land to the East of Chaffinch Way Holbeach Spalding

Applicant: Ashwood Homes **Agent:** Ashwood Homes

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=H09-0613-21

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Objections raised and planning policy considerations that merit Committee consideration.

2.0 PROPOSAL

2.1 This is a full planning application for the residential development of 81 dwellings, associated garaging, roads and sewers on land to the east of Chaffinch Way, Holbeach.

2.2 The proposals include a range of 2 storey dwelling types comprising of the following mix:
4 x 1 bed
18 x 2 bed
47 x 3 bed
12 x 4 bed

2.3 Matters relating to affordable housing are dealt with further below.

2.4 Vehicular access to the site would be served from a single point on Chaffinch Way at the west of the site.

2.5 The site is to be connected to the existing public mains sewers for foul water disposal. In terms of surface water drainage, the proposal is to use a series of SUDS techniques to provide source control and attenuate flows from the site. The attenuated flows will ultimately be discharged to the adjacent IDB drain.

3.0 SITE DESCRIPTION

3.1 The application site is greenfield in nature and lies at the north-eastern side of Holbeach, south of the A17 and to the north/north-east of the recently completed Chaffinch Way/Balmoral Way development by the same developer. Battlefields Lane South adjoins the very north-western corner of the site.

3.2 The southernmost part of the site falls within the boundary of the application site of the adjacent development that has recently been completed (ref. H09-0706-19). There are also two live planning applications for sites which immediately adjoin this application site -
H09-0115-21 - Land off Battlefields Land South - Residential Development of up to 185 dwellings (outline)
H09-1021-20 - Land at Foxes Lowe Road - Residential Development - Erection of 13 Dwellings (outline)
All of these sites fall within housing allocations ref. Hob004 and Hob032.

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.

Policies:

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
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 6Parking Standards
APPENDIX 8Developer Contributions for Education Facilities
APPENDIX 9Developer 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 11 - Making effective use of land
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 H09-0434-21 - Full - Erection of 9 dwelling and associated garages (application withdrawn June 2021)

5.2 H09-0706-19 - S73 - Proposed residential development comprising 36 dwellings - approved under H09-0288-15. Modification of Condition 2 to allow amendments to previously approved plans (approved November 2019)

5.3 H09-0288-15 - Full - Proposed residential development comprising 36 dwellings (approved February 2018)

6.0 REPRESENTATIONS

6.1 Cllr T Carter

I have received numerous concerns regards this application. Residents, of what is a quiet nice location are concerned by the increase of traffic on a residential road by the increase of approx 225 cars now going to be accessing their home via a residential road. I would request that alternative entrances are considered for the site, particularly when the application references of "provisions have been made for future connectivity to the adjacent land parcel to the south side of the site", which suggests to me further building and applications just adding to the further traffic accessing their home through a small road. I would request that alternative access is looked at. Such as battlefield lane, as this has been approved for works traffic, I would consider it would therefore be consider suitable and safe for home owners to also use this access. Further to this, the site has a number of collection points on it for refuse. This creates issues and grot spots and I would encourage alternative provisions are looked at for this. Possibly an alternative access to the road may also assist with this and the refuse trucks may be able to access the site appropriately and remove the issue of collection points. Also on the application it states that recycling bins will be provided by the council. That is surely incorrect. Drainage is always a concern especially in this area after such drastic issues in battlefield lane in the last couple of years. I would request that this has been considered very careful that all options are explored to ensure no drainage issues are made worse by the building of this site. 81 houses is considerable and I noted on one of the floor risk reports it's was referencing 9 dwellings. Finally I note there are green spaces, but no comment regarding the management of them. Across the district there are green spaces that are not covered by management, so I would like to assume that further information regarding that will be coming forwards or a condition attached to it, if permission was to be granted. This is agricultural land, and having mentioned a number of issues with the site above, I fail to consider this to be an acceptable site to give permission to and therefore can't support it.

6.2 Holbeach Parish Council

We are concerned about the access to the proposed developments as are many of the residents. We would also like confirmation that the number of affordable homes is guaranteed. Lastly as we all know the facilities in our town as pointed out by the NHS are already overstretched and cannot cope with another large housing development.

6.3 The Rt Hon Sir John Hayes CBE MP

I have recently been contacted by a number of constituents regarding the planning application for the erection of 81 dwellings on land east of Chaffinch Way, Holbeach. As I have stated before, my constituents in Holbeach are extremely concerned about further large-scale development and the impact this will have on the local infrastructure, especially with planning permission for an additional 900 homes already granted. My constituents are absolutely right about the damaging effect the increase in population will have on access to local GP surgeries, dentists and schools. In addition, the residents of Balmoral Way are particularly concerned about the increase in traffic movements that an additional 81 homes will have on their road, which is narrow with parked cars along its length. Balmoral Way was originally a quiet cul-de-sac but was opened up as an access road for a development of 39 properties. Clearly, this 81 dwelling application will further exacerbate the issue for the residents of Balmoral Way. I have also been advice that, since the construction of the 39 dwelling development, the residents of 26, 26, 30 and 32 have all experienced flooding of their gardens. This will need closer

investigation to ensure that measures are taken to protect the residents of Balmoral Way from flooding. In light of the above, I would be grateful if you could treat my letter as an objection to this planning application. I request that, given its nature and scale, this application is determined by the Planning Committee.

6.4 Lincolnshire Police

No objections. Provides standard advice re crime prevention and safety.

6.5 Environment Agency

No objection subject to condition requiring development to be carried out in accordance with the recommendations of the submitted flood risk assessment.

6.6 Anglian Water

The foul drainage from this development is in the catchment of Holbeach Water Recycling Centre that will have available capacity for these flows. Furthermore, the sewerage system at present has available capacity for flows from the site.

6.7 South Holland Drainage Board

Pleased to see that the applicant has indicated a 9 metre easement from the Board Adopted watercourse adjacent to the site boundary (DRN206G1404 - Foxes Low) within their site plan (Drawing No: 75-SL-02 Rev C, Ashwood Homes, 26/05/21). Highlights the relevant consents that may be required.

6.8 SHDC Strategic Housing

Should the development be permitted Policy 18: Affordable Housing requires about 25% of the development to be provided as affordable housing to meet district wide housing needs. This policy also states that the proportion of affordable housing that can be provided on market housing sites may vary according to the site specific considerations and cites viability, other infrastructure and the type of affordable housing need to be met as specific reasons.

Using information from the Strategic Housing Market Assessment (2015 & 2017 update), Housing Needs Assessment 2021 and Housing Register data there is an evidenced need for additional affordable homes within Holbeach and the wider South Holland district. However for this development the applicant has submitted viability evidence stating that the affordable and other policy contributions are unviable. The council has assessed this evidence using an independent viability expert, which concludes that depending on the other contributions between 11-22% (9-18) affordable homes could be viably delivered. To meet housing needs Strategic Housing would advocate for the affordable housing provision to be maximised.

6.9 SHDC Environmental Protection (noise)

No objection but would ask that the recommendations made in Section 3 of the acoustic assessment submitted by Acoustic Associates be made conditions.

6.10 SHDC Environmental Protection (contaminated land)

I have reviewed GeoDyne reports 'Land to East of Chaffinch Way, Holbeach - 9 Plots Combined Phase I Desk Study and Phase II Exploratory Investigation Project No: D41012' dated 27th April 2021 and 'Phase 2 Balmoral Way, Holbeach Combined Phase I Desk Study and Phase II Exploratory Investigation Project No: D41012 ' dated 28th April 2021 and request that both parts ii-iv of the standard land contamination condition and the construction management plan condition be applied at this location. Please pass on the following comments to the applicant to assist with the discharge of the condition in due course. Regarding 'Land to East of Chaffinch Way' I agree than remedial action is required, and a remediation method statement should be prepared and submitted for this area prior to the commencement of any work on site. Regarding 'Phase 2 Balmoral Way' I make the following comments: - I agree that further site investigation is required in the area of the identified hydrocarbon contamination and consider that delineation needs to be undertaken prior to the preparation of a remediation method statement. - Sampling

and testing of the made ground soil was limited, and it cannot be considered well characterised. I understand that it is physically and aesthetically unsuitable for retention in the near surface soils, and presume that this is the reason that further analysis was not undertaken. Asbestos was identified in one sample however the full extent of this contamination cannot be estimated from the sampling undertaken. The report suggests that retention and capping could be a suitable remedial solution at this location, with a physical 'no dig' barrier and warning membrane. If this is to be the case, this does pose a limit on the future use of the residential garden areas with only 600mm of growing medium proposed. I would therefore request that removal of permitted development rights is considered at this location, and that future occupants are formally made aware of the restrictions on the gardens use (e.g. implications for ponds etc.) - Given the presence of asbestos, I request that our standard construction management plan condition is attached and that it includes the recommendations made in the prior for monitoring etc. during relevant works. - I am concerned that the report mentions the soil stockpiles in the north western corner only briefly. No description, sampling or analysis was undertaken of these stockpiles, and no comments made about their ultimate destination. It is my understanding, following a conversation with the site manager of the phase 1 development back in 2019, that this is the deep made ground material removed from the southern part of the phase 1 development that was chemically and physically unsuitable for retention in a domestic setting. The applicant should also take advice as to the current legal status of this material, and if the CL:AIRE DoW CoP could apply if they propose to reuse it. The remediation method statement should be clear regarding the fate of these soils and the steps to be taken to prevent soil mixing with the made ground soil that exists on site. - The remediation method statement must be prepared and agreed before the commencement of work on site, including any enabling works.

6.11 NHS

Evidence backed financial contribution request of £54,460 towards a new purpose built health centre/primary care facility or extension to existing facility in Holbeach.

6.12 LCC Education

Requests financial contribution of £404,337 towards additional primary, secondary and sixth form places in Holbeach.

6.13 LCC Historic Environment Officer

The proposed development is situated outside of the medieval settlement of Holbeach. Previous developments in this area have carried out a number of desk-based assessments and field evaluations. This has shown that there is a low potential for archaeological impacts in this area. Prior to the later 19th and 20th centuries the area part of woodland known as Primrose Holt which lay outside of the medieval and post-medieval town centre. Any Roman and prehistoric remains are thought to be buried by a considerable depth of alluvium. Therefore in this instance we would not recommend any further archaeological evaluation be required.

6.14 LCC Highways/SUDS

No objection. Requests standard highways conditions and informatives.

6.15 Lincolnshire Wildlife Trust

Public open spaces and landscaping should contribute towards biodiversity net gain on site. Provides advice on how this can be achieved. Appropriate site management and maintenance plans for the long-term management, maintenance and monitoring of any newly created or enhanced habitats should be provided. The Preliminary Ecological Appraisal suggests a 5m buffer zone to the wet drain to exclude working or disturbance in this area due to water vole. The 5 m buffer zone should be included in the plans and conditioned and the developer should be made fully aware of his responsibilities.

6.16 Public (19 objections/comments received, summarised)

- Concern re highway safety; increase in traffic; access should be via Battlefields Lane South or Foxes Low Road; parking problems; road and footways in Chaffinch Way yet to be completed - Traffic reports were produced during lockdown and therefore not representative of normal

situation
- High density
- Loss of privacy
- Impact on sunlight/daylight
- Air and noise pollution from development and additional traffic
- Construction noise
- Acoustic report states that excessive noise may be heard in some rooms if windows are open; ventilation issues in summer
- Drainage issues
- Risk of flooding
- Lack of amenities in town
- Loss of wildlife and trees
- Strain on existing facilities (schools etc.)
- Impact of construction works (noise etc.)
- Increase in existing anti-social behaviour
- Same house design; poor quality housing; bungalows would be more in keeping with original estate and suitable for elderly and disabled residents
- Query whether assessment of proximity to nearest bus stop has been undertaken
- Green space is still awaited on Balmoral Way estate
- Recommend the installation of 3 swift nest bricks per dwelling

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 South East Lincolnshire Local Plan (2019) and sits within a housing allocation (ref. Hob004). The principle of residential development on the application site has therefore already been established.

7.4 Design, layout and density

7.5 A mix of fourteen house types are proposed, mostly detached and semi-detached, with two short terraces. There is therefore ample variety across the scheme in terms of the types of houses that it would deliver. In terms of scale, all properties would be 2 storey and would be in keeping with the scale of existing development in the vicinity, where there are a large proportion of 2 storey dwellings.

7.6 With regard to materials, the proposal is for red and cream/buff brick types and a combination of roof tiles of red and slate in colour. The visual appearance of the development would be very similar in nature to the recently completed Chaffinch Way/Balmoral Way scheme by the same developer adjacent. It would therefore clearly be in keeping with the appearance of existing development in the vicinity and the proposed design of dwellings is typical of those seen on the applicant's other schemes more widely in the district.

7.7 Concern has been raised regarding the overall density of the scheme. The site is approximately 3.6ha in size, which results in a density of approx. 23 dwellings/ha. Policy 11 of the Plan sets out all housing allocations and indicates that Hob004 has a capacity of 109 dwellings, which is based on a density of approx. 19/ha. 36 dwellings have already been developed within the area of the Hob004 allocation at a density of approx. 21 dwellings/ha and it is not considered that the proposed density of the application scheme is such that it would warrant refusal of the application. Indeed, at paragraph 5.3.9 of the Local Plan, it is stated that the site capacities specified are only a 'broad indication' and that the 'stated capacity is not necessarily a maximum or, in some cases, a minimum capacity that would be expected on each site; viability, design, constraints and the most efficient use of land in delivering new homes should be the primary considerations in meeting housing needs'. It was therefore not anticipated that 109 dwellings for Hob004 should be considered either a maximum or minimum, but rather a broad indication of what may be acceptable. If a proposal is acceptable in all other regards, it could therefore follow that a higher capacity may be permitted.

7.8 The majority of dwellings are to be served by adoptable road with private drives predominantly

at the edges of the site, offering a varied and more informal appearance to parts of the development. Private drives and waste collection arrangements are discussed in further detail below. Easements have been taken into account where relevant. Properties have been orientated to face public open space and will therefore provide natural surveillance.

7.9 Finished floor levels of properties on Balmoral Way/Chaffinch Way are typically set at 3.6m AOD. Based on dwg. no. AHL-1534-01-DR-002 contained within the submitted flood risk assessment for this application, it would appear that some of the closest properties on the application site (Plots 1-6) would be around 1m higher than this to facilitate the proposed drainage strategy. Full details of existing and proposed floor and ground levels can be secured by condition, but it is not anticipated that the raising of levels by this extent would have a material visual impact on the wider street scene given the relationship between properties and separation distances involved.

7.10 Taking all of the above into account, it is concluded that the design, layout and density of the scheme satisfactorily accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; and size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

7.11 Private drives

7.12 A recently published Council guidance note entitled 'Private Drives - Waste Vehicle Collection Service' sets out a hierarchy for developers to follow when considering waste collection arrangements and private drives. This guidance is not adopted planning policy and as such can only be given limited weight in planning terms. However, it is a material consideration. The relevant section of this guidance note states:

7.13 *"The Council, as local planning authority, is obliged to take into account the Council's adopted waste collection policy when determining planning/condition compliance applications for waste collection details as it should avoid approving waste collection schemes which are not capable of being provided. The following guidance is therefore provided for developers when seeking planning permission for new developments. The guidance seeks to ensure that developers are fully aware of waste collection issues when submitting planning applications with a view to avoiding later problems, such as poor design under policy 3 of the South East Lincolnshire Local Plan (Adopted March 2019). The following does not constitute adopted planning policy.*

1. It is firmly recommended that new developments should seek to minimise private drives when preparing and submitting planning applications. Access roadways to all residential properties should normally be constructed to an adoptable standard under an agreement with Lincolnshire County Council so that they will become public highways to enable refuse/recycling collections to be carried out from outside individual properties without the need for communal waste collection points at the point where private driveways adjoin public highways. This is the preferred solution of the Council as waste collection authority from an operational perspective. Furthermore, it avoids the potential impacts of unmanaged depositing of waste, which can lead to unacceptable impacts upon the visual and residential amenity of communities.

2. Where private drives are unavoidable, the Council would expect to see no more than 6 properties from any one private drive and a carrying distance of less than 30m. In order to judge the suitability of proposals to be served from private drives, the Council will apply a carrying distance of no greater than 30m measured from the nearest point of the plot adjacent to the private drive. This is reflective of Building Regulations Guidance on carrying distances for waste from households. Developers are advised to contact the waste collection service to determine the proposed collection point.

3. Should the proposal include a joint storage area for waste, this will serve no more than 6 properties and should be sited on land owned by a proprietor of the private drive. Storage areas should still allow for collection of the waste by the Council from the public highway. An area of 800mm x 800mm should be provided for each property using the collection point. Design and siting will be expected to take account of impact upon both visual and residential amenity and demonstrate how these impacts have been minimised. Definitive information on the on-going maintenance and responsibility for waste collection points will be required to protect against unmanaged depositing of refuse. The Council may take appropriate enforcement action if the

waste collection point is not reasonably maintained.

4. Where private drives are included in a development proposal and the above criteria cannot be met then it may be possible to provide for a private waste collection from individual properties. This would avoid the impacts arising from unmanaged depositing of waste. This may necessitate the developer entering into a section 106 agreement to ensure future delivery of the service.

5. If a private waste collection is not deliverable it is expected that private drives will be minimised through the design or re-design of the scheme to avoid the above concerns.

The Council will apply the above hierarchical approach to waste collection solutions on new developments. It will achieve this via negotiation at pre-application stage, during consideration of planning applications and the discharge of planning conditions. Standard conditions will be applied in relation to roads being constructed to adoptable standard and, on outline planning applications, securing details of waste collection. Full and reserved matters applications will be expected to include full details of the waste collection solution to be secured up-front.

Where all of the above measures have been reasonably exhausted, the Council may agree to collect waste from private drives in exceptional circumstances."

7.14 In terms of the above, clearly there are a small number of private drives proposed as part of the scheme (7 no.), which serve approximately 23% of properties on the development. This is not an excessive number. Furthermore, no more than 6 properties are served by any private drive and all refuse/recycling collection points proposed are no greater than 30m from the nearest point of the plot adjacent to the private drive. The collection points shown accord with the 800mm x 800mm size that the guidance suggests should be provided for each property using the collection point. With regard to amenity, appropriate screening to minimise visual impact can be considered as part of the wider landscaping proposals (to be secured by condition). Details of on-going management and maintenance of these points can also be secured by condition.

7.15 On this basis, officers are of the view that the proposed private drive and waste collection arrangements satisfactorily comply with the hierarchy and considerations outlined above.

7.16 Open space and landscaping

7.17 Two areas of public open space are proposed - east and west of the site. The eastern parcel will be multifunctional, being a dry pond that forms part of the overall surface water drainage strategy for the development. In total, these spaces amount to around 0.21ha. This level of open space exceeds the 0.06ha required by Policy 32 of the Local Plan.

7.18 No details on landscaping have been provided to date, but this can be secured by condition.

7.19 Highway matters and parking provision

7.20 Concerns have been raised in relation to highway matters - specifically, highway safety, increase in traffic, the suitability of a single access point via Balmoral Way and parking problems.

7.21 The potential for an additional road link/access in the interests of vehicle permeability has been explored, however there are challenges to achieving this. A second access directly on to Battlefields Lane South would be unacceptable on highway grounds due to the proximity to the junction with the A17. As an alternative, the applicant proposed a link through the turning head of the recently completed Chaffinch Way. However, it has been advised by the representatives of the adjacent site that this would conflict with their masterplan, which includes an area of open space and provision for an attenuation basin in that part of the site as part of the overall drainage strategy for that scheme. The deliverability of a link in this location is therefore highly questionable. The most preferable scenario for a link to the adjacent site would be somewhere in the region of Plot 9 or 8 on the application site, but the applicant has declined to revise their plans to reflect this.

7.22 Given that the Highway Authority have not objected to the proposed access and road

arrangements, and have not highlighted any highway capacity issues, it is not considered that there is a defendable reason for refusal on these grounds and the proposal satisfactorily accords with Policy 2 of the Local Plan which requires it to be demonstrated that access and vehicle generation levels will be acceptable.

7.23 In terms of the internal road arrangements, there would be a combination of adoptable estate road and private drives. There is therefore a need to provide collection points for refuse/recycling and these points are indicated on the layout plan where relevant. These points are to be managed/maintained by an appointed management company.

7.24 In terms of parking arrangements, Appendix 6 of the Local Plan sets out parking standards for residential dwellings and states that 2 vehicle parking spaces are required for dwellings with up to 3 bedrooms and 3 vehicle parking spaces are required for dwellings with 4 or more bedrooms. The proposed vehicle parking arrangements are in accordance with this.

7.25 Residential amenity

7.26 It is not considered that the proposed development would have a material adverse impact on the amenity of any properties off-site. The majority of dwellings along the south-western facing boundary are rear facing or tantamount to a typical frontage relationship. Plot 6 and the adjacent existing dwelling are the closest dwellings to one another but both are the same house type, will face in the same direction and have no side facing windows. There are separation distances of 20m plus where there are rear-to-rear and rear-to-side relationships, which is acceptable.

7.27 Notwithstanding the above, consideration must also be had to the impact that raising finished floor levels might have on neighbouring amenity. Finished floor levels of properties on Balmoral Way/Chaffinch Way are typically set at 3.6m AOD. Based on dwg. no. AHL-1534-01-DR-002 contained within the submitted flood risk assessment for this application, it would appear that some of the closest properties on the application site (Plots 1-6) would be around 1m higher than this to facilitate the proposed drainage strategy. It is not uncommon for new properties to be raised to this extent next to existing properties and adequate levels of amenity can typically be achieved by ensuring that appropriate boundary treatments are in place. Full details of existing and proposed floor and ground levels (including cross-sections where relevant) can be secured by condition, as can boundary treatment details.

7.28 The land to the south-west of plots 7 to 13 is currently subject to an application for residential development but is in outline form with all matters reserved except for access thus the exact layout is unknown. However, it is considered that a satisfactory form of development is achievable in amenity terms. The land to the rear of Plots 75 to 81 is also currently the subject of an outline application, but in that case permission is being sought for layout at outline stage. Revised plans are awaited for that application due to a poor relationship between some plots on that and this application site.

7.29 Given that the proposed dwellings are sited to the north-east of existing dwellings, and the separation distances that would be achieved, it is not considered that there will be a material overshadowing or loss of light impact.

7.30 Within the site, the preferred 21m separation distance between rear windows has been observed across the vast majority of the scheme. Where the rear of properties face a side elevation of another, at least a 12m separation distance has been observed, which is typically seen as an acceptable standard to apply. The orientation of dwellings and positioning of fenestration is such that there should be no material overshadowing or daylight issues to habitable spaces.

7.31 In terms of external space, size of rear of gardens are comparable to those provided on other new developments in the district.

7.32 The A17 is located to the north of the site, therefore an Environmental Noise Assessment has been submitted in support of the application. This concludes that appropriate internal and external noise levels are achievable using noise mitigation measures in the form of high performance glazing, acoustic trickle vents and external noise barriers (acoustic fencing). These

measures will be conditioned. SHDC's Environmental Protection Officer has no objection to the proposal on noise grounds.

7.33 Overall, there are not considered to be any significant or demonstrable adverse impacts relating to residential amenity that would warrant refusal of this proposal. The proposal is considered to accord with Policies 2, 3 and 30 of the Local Plan in respect of their provisions on residential amenity.

7.34 Flood risk and drainage

7.35 The site is a housing allocation in the Local Plan and is therefore a sequentially preferable site in flood risk terms.

7.36 The submitted Flood Risk Assessments identify that finished floor levels of dwellings should be set at a minimum of 3.6m OD 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.

7.37 The proposed surface water drainage strategy is based on SUDS techniques, with a combination of infiltration (where ground conditions allow), filter drains and an attenuation basin (north-eastern corner of site) being utilised. The attenuated flows will ultimately be discharged to the adjacent IDB drain. South Holland Drainage Board and the Lead Local Flood Authority have no objections to the proposed surface water drainage strategy.

7.38 In terms of foul water disposal, connection would be made to the existing Anglian Water system, who have advised that the Holbeach Water Recycling Centre and sewerage system have available capacity for flows from the site. In light of the fact that Anglian Water have no objection to the development, it is the view of officers that there is not a defendable reason to refuse the application on the basis of foul water concerns.

7.39 Given the above, it is considered that the proposed drainage scheme and flood mitigation measures accord with Policies 2, 3 and 4 of the Local Plan which require proposals to provide appropriate means of drainage and flood defence.

7.40 Viability and developer contributions

7.41 Policy 18 of the Local Plan requires the provision of about 25% affordable housing on-site on market schemes in South Holland where developer contributions can be sought. In addition, Policy 6 states that developer contributions will be sought that relate to the provision of education and health facilities.

7.42 However, following on from this, Paragraph 3.7.11 of the supporting text to Policy 6 (Developer Contributions) states that:
The policy implications of this Local Plan, including those matters to be sought by developer contributions, have been subject to a Whole Plan Viability Assessment to ensure that the cost would not adversely impact upon the viability of development in South East Lincolnshire. As such, it is expected that the costs of developer contributions are factored in when land is purchased. In exceptional circumstances, where applicants state that financial viability prevents the delivery of some or all developer contributions, a financial appraisal should be submitted... Each Local Planning Authority's independent valuer will consider the assessment.

7.43 In the context of this, the applicant has submitted viability information (included as Appendix B), which the Council has had independently tested. The response of the independent assessment, prepared by CP Viability, is included as Appendix C. This indicates that there is viability pressure on the application site, but that some level of policy contributions can be provided.

7.44 The below scenarios have been explored and found to be viable:

7.45 Scenario 1

9 affordable housing units (11.11%)

Affordable Rent:
2 x 1 bed
3 x 2 bed
1 x 3 bed

Shared Ownership:
2 x 2 bed
1 x 3 bed

Education - £404,337 (100%)

NHS - £54,460 (100%)

7.46 Scenario 2

18 affordable housing units (22.22%)

Affordable Rent:
4 x 1 bed
6 x 2 bed
3 x 3 bed

Shared Ownership:
2 x 2 bed
3 x 3 bed

Education - Nil

NHS - Nil

7.47 Scenario 3

13 affordable housing units (16.05%)

Affordable Rent:
3 x 1 bed
4 x 2 bed
2 x 3 bed

Shared Ownership:
2 x 2 bed
2 x 3 bed

Education - £202,168.50 (50%)

NHS - £27,230 (50%)

7.48 As can be seen from the scenarios above, the sum now available would result in a reasonable reduction in developer contributions, however, in line with national and local planning policies, there is a need to be mindful of the need for the provision of housing in the District.

7.49 One option open to Members would be to refuse this application for lack of developer contributions, however, given the evidence submitted by the applicant, that has been considered by an independent assessor, in the usual way, this would be a difficult position to defend, given that the application site is part of an area of land allocated for residential development (Hob004) within Policy 11 of the Local Plan, and the current planning guidance from the Government relating to the provision of developer contributions at this current time.

7.50 In this instance, it is considered that an approach which prioritises the delivery of a varied package of developer contributions is the most appropriate way forward. From an officer perspective, Scenario 1 would achieve this, and this is the applicant's preferred scenario. However, the apportionment is ultimately a decision for the Planning Committee.

7.51 Ecology

7.52 In terms of ecological matters, a condition can be added to require that it be demonstrated that Biodiversity Net Gain will be achieved on site and the recommendations of the Preliminary Ecological Appraisals will be conditioned.

7.53 A survey of the drain on the eastern boundary found evidence of water vole, which are protected species. Given that the proposal is for surface water to be discharged into this drain, further survey work is required and will therefore be conditioned to take place prior to commencement of development.

7.54 There are no protected trees on/adjoining the site that would be impacted by the development.

7.55 The above conditions will ensure that the development satisfactorily complies with Policies 2, 3 and 28 of the Local Plan.

7.56 Other considerations

7.57 Issues such as noise and air pollution during the construction period is a consideration, however it is one that carries limited weight in the overall planning balance. A condition can be added requiring the submission of a Construction Management Plan prior to commencement of development, which covers matters such as working hours and measures for controlling noise, vibration, dust and mud.

7.58 The site is allocated for housing in the local plan and issues such as infrastructure capacity, number of amenities located in the town, loss of agricultural land and an increase in pollution (air and noise) from vehicles were considered through the plan making process. Both the NHS and Education Authority have requested financial contributions towards improving healthcare and education provision/services, which shall be secured by legal agreement.

7.59 A condition requiring the installation of 3 swift nest bricks to provide enhancement for biodiversity can be included.

7.60 The development resulting in an increase in anti-social behaviour is an assumption and would be a matter for the Police if it did occur.

7.61 It has been commented that green space is still awaited on the Balmoral Way estate and that roads and footways in Chaffinch Way are yet to be completed. The roads and footways appeared to have been completed at the time of undertaking a site visit and the completion or not of green space on the adjacent site does not have a bearing on the determination of this particular application.

7.62 SUDS features, landscaping, open space (including play area) and refuse collection points are to be maintained/managed by an appointed management company.

7.63 Planning balance

7.64 The principle of residential development on 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, and flood risk and drainage matters are considered to have been appropriately addressed. Notwithstanding the concerns that have been raised relating to highway matters, it is not considered that there is a justifiable reason to withhold permission on these grounds. The conclusions of the independent viability assessment indicate that there is a viability pressure in relation to this site and therefore reduced developer contributions are justifiable. Evidence of water vole was found in the drain on the eastern boundary, however a condition can be added requiring further survey work prior to commencement of development.

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

7.66 **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.

7.67 Conclusion

7.68 In light of the above considerations, the proposal is considered to be in general accordance with Policies 1, 2, 3, 4, 6, 10, 11, 18, 28 and 32 of the South East Lincolnshire Local Plan (2019), as well as guidance in the National Planning Policy Framework (2019).

8.0 RECOMMENDATIONS

8.1 **Authorised to Grant Permission subject to the applicant entering into a Section 106 Agreement to secure the delivery of 9 no. affordable dwellings of the mix set out above, an education contribution of £404,337 and an NHS contribution of £54,460, and those Conditions listed at Section 9.0 of this report.**

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 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:
75-LP-01 Rev A
75-SL-01 Rev L
75-SL-02 Rev J
75-BT-01 Rev K
75-MSL-01 Rev H
A538(R)-001
A732(R)-001
A902(R)-001
AIRE-001
AVON-001
CORONATION-001
DEE-001
HARREN-001
HUMBER-001
LOCK-001
MERE-001
NENE-001
RIBBLE-001
SEVERN-001
SEVERN-002
75-DG-001
75-DGHO-001
75-DSG-001
75-SG-001
075-MCCP-01 Rev C
4253.Balmoral. Ashwood.TPP
4253.Balmoral.Ashwood.AIP
AS2517/1 Rev A1
Preliminary Ecological Appraisal of Land at Balmoral Way, Holbeach (prepared by Hillier Ecology Limited, dated May 2021)
Preliminary Ecological Appraisal of Land at Battlefields Lane/A17, Holbeach (prepared by Hillier Ecology Limited, dated May 2021)
Environmental Noise Assessment (prepared by Acoustic Associates, dated April 2021)
Arboricultural Implications Assessment (prepared by Andrew Belson, dated 27th April 2021)
Transport Assessment (prepared by Inspire Design and Development Ltd, dated May 2021)
Flood Risk Assessment & Drainage Strategy - Land East of Chaffinch Way (prepared by Inspire Design and Development Ltd, dated April 2021)
Flood Risk Assessment & Drainage Strategy - Balmoral Way Phase 2 (prepared by Inspire Design and Development Ltd, dated April 2021)
Archaeological Desk Based Assessment (prepared by Archaeological Project Services, dated April 2021)
Archaeological Desk Based Assessment (prepared by Archaeological Project Services, dated January 2015)
Combined Phase I Desk Study and Phase II Exploratory Investigation - Phase 2 Balmoral Way, Holbeach (prepared by DeoDyne Ltd, dated 28th April 2021)
Combined Phase I Desk Study and Phase II Exploratory Investigation - Land to East of Chaffinch Way, Holbeach (prepared by DeoDyne Ltd, dated 27th April 2021)

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

3. The development hereby permitted shall not be commenced until 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 has been submitted to, and approved in writing by, the Local Planning Authority (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 ensure the satisfactory remediation of contaminated land and/or waters. 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.

4. A full copy of a verification report (in connection with Condition 3 above) 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.

5. 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 form 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.

NOTE: As asbestos has been noted as present on site, construction shall be undertaken in accordance with the recommendations set out in the Combined Phase I Desk Study and Phase II Exploratory Investigation - Phase 2 Balmoral Way, Holbeach (prepared by DeoDyne Ltd, dated 28th April 2021).

Reason: In the interests of the safety and free passage of those using the adjacent public highway, 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 to ensure 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.

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

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.
This Condition is imposed in accordance with Policy 2 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;
- 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 1.4 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.

9. 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. 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.

10. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessments (dated April 2021) 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 3.6 metres above Ordnance Datum (AOD).
- Properties shall have at least 2 storeys.
- Flood resilient construction shall be incorporated up to a minimum level of 300mm above the finished floor levels.

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. The development hereby permitted shall not be commenced until further survey work has been carried out to ascertain whether water voles are present in the drain to the eastern boundary and how they use this drain. Mitigation measures shall be proposed which show how any negative effects to these protected species will be avoided, reduced or managed.

N.B. Survey(s) should be consulted by an ecologist experienced in water vole ecology.

Please see the relevant standing advice for water voles at: https://www.gov.uk/guidance/water-voles-protection-surveys-and-licences

Reason: In the interests of avoiding harm to protected species.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

12. Before the commencement of the development hereby permitted beyond oversite, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. 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 submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.0 (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, and that Biodiversity Net Gain will be achieved. This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

13. 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.

14. Before the commencement of 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.

15. Notwithstanding the conclusions of the Arboricultural Implications Assessment (prepared by Andrew Belson, dated 27th April 2021), the following tree works shall not be carried out:

- The removal of any of the existing trees within Group F (as indicated on dwg. no. 4253.Balmoral.Ashwood.AIP) or pruning beyond that required to enable the installation of the acoustic fence along the northern boundary; and
- The removal of any of the existing trees within Group G (as indicated on dwg. no. 4253.Balmoral.Ashwood.AIP), except those at the very southern edge of the bund and in close proximity to the pump station.

Reason: To ensure the protection of existing trees, in the interests of the visual amenity of the locality.
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, 2021.

16. Three swift nest bricks shall be incorporated within the external walls of the dwellings 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.

17. The development hereby permitted shall be carried out in accordance with the recommendations set out in Section 8.0 of the Preliminary Ecological Appraisal Reports (Land at Balmoral Way and Land at Battlefields Lane/A17) (prepared by Hillier Ecology, dated May 2021).

Reason: In the interests of biodiversity.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

18. The development hereby permitted shall be carried out in accordance with the recommendations set out in Section 3 of the submitted Environmental Noise Assessment (prepared by Acoustic Associates, dated April 2021).

The acoustic barriers recommended, and indicated on dwg. no. 75-BT-01 Rev K, shall be installed prior to the occupation of any dwelling and retained for the lifetime of the development.

Reason: In the interests of residential amenity.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

19. 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.

20. 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

21. The applicant is reminded that it is an offence under the Wildlife and Countryside Act, 1981 (as amended) to kill, injure, or take (handle) any protected species occupying a place of shelter or protection and also to take, damage or destroy the nest of any wild bird while that nest is in use or being built. If evidence of bats is found before or whilst the work is carried out you are advised to contact Natural England at their Lincoln office (telephone 03000 603900).

22. In accordance with Section 59 of the Highways Act 1980, please be considerate of causing damage to the existing highway during construction and implement mitigation measures as necessary. Should extraordinary expenses be incurred by the Highway Authority in maintaining the highway by reason of damage caused by construction traffic, the Highway Authority may seek to recover these expenses from the developer.

23. The permitted development requires the formation of a new/amended vehicular access to plot 81 off Foxes Low Road. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb or contact vehiclecrossings@lincolnshire.gov.uk

24. 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.

25. 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.

26. The existing ground level of the site must not be raised above the ground level of any surrounding land without further consultation with the Lead Local Flood Authority and Local Planning Authority, to consider suitable mitigation measures to ensure that surface water flood risk is not created or increased to land adjacent to the permitted development.

Background papers:- Planning Application Working File

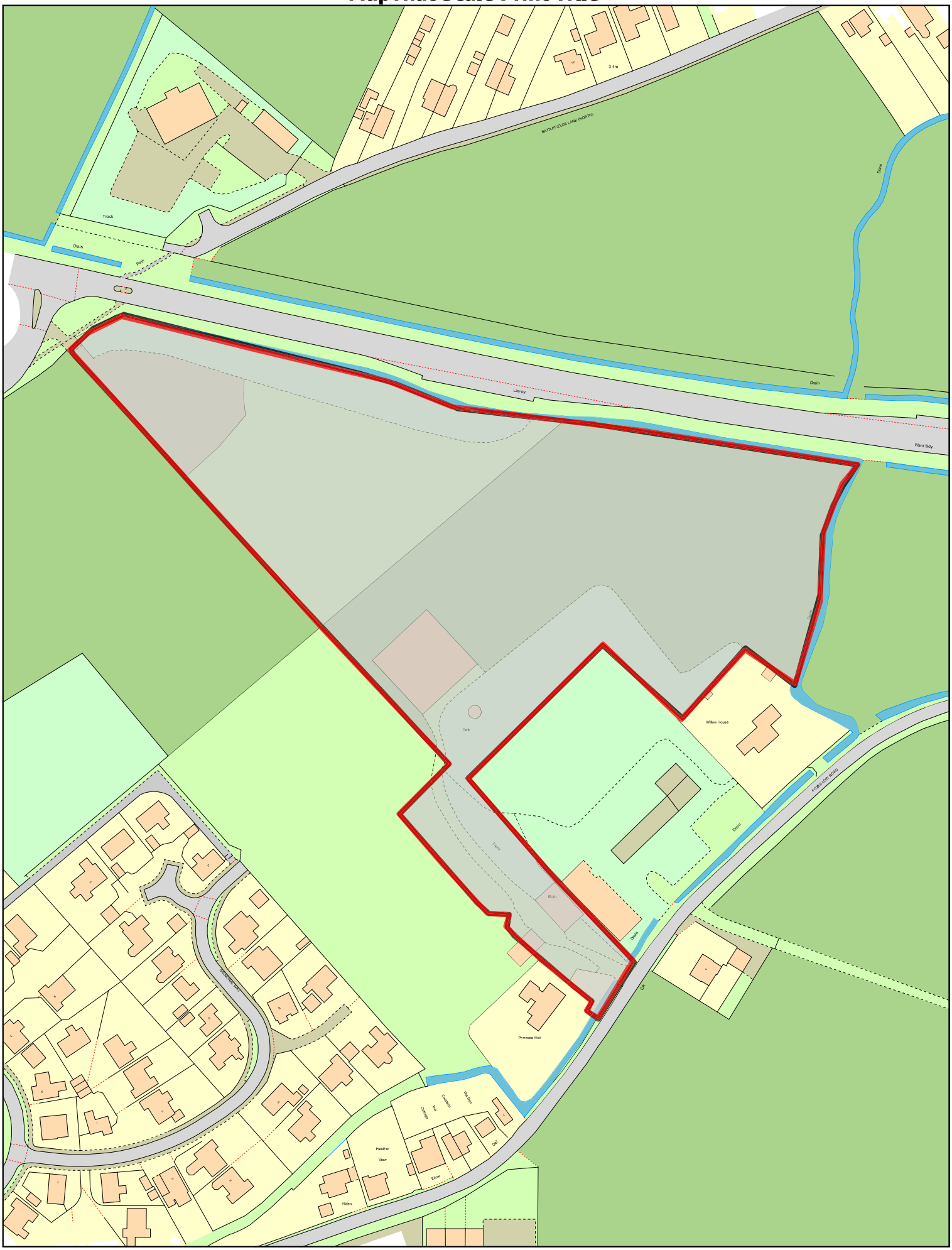
Lead Contact Officer

Name and Post:	Richard Fidler , Development Manager
Telephone Number:	01775 764428
Email	rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A	Plan A
Appendix B	Applicant's Viability Assessment
Appendix C	Independent Viability Assessment of CPV

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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