

Application No: H09-0784-21 **Applicant:** Ashwood Homes
Proposal: Erection of 38 dwellings with associated roads and sewers
Location: Land Off Fen Road Holbeach Spalding
Terminal Date: 3rd February 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
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 2021

NPPF 2021

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0

WARD MEMBER	0	0	0	1
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	2
OTHER STATUTORY BODIES	0	0	0	5
RESIDENTS	2	0	0	1

Route for determination of application	Delegated	X	Committee	
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CASE OFFICER ASSESSMENT

REASON FOR PANEL CONSIDERATION

To confirm delegated approval as policy compliant developer contributions are accepted by the applicant.

PROPOSAL

Full application for the erection of 38 dwellings with associated roads and sewers.

The application has been revised since submission to redesign the layout and relationship to the open space within the site, as well as retaining boundary hedging. Technical details to satisfy LCC have also been provided.

The application is supported by a Design and Access Statement, Flood Risk Assessment, Combined Phase I Desk Study & Phase II Exploratory Investigation Report, a confidential Protected Species Report and an Archaeology Report. The applicant has confirmed acceptance of policy compliant developer contributions.

SITE DESCRIPTION

The site is currently greenfield land and is 1.196Ha in area, located within the settlement boundary of Holbeach. Site levels vary between circa 3.3m AOD to 3.093m AOD. The site is generally flat.

The site is within Flood Zone 3, and benefits from significant tidal and fluvial flood defences. The

Environment Agency consider that this land is in a "low hazard" rating area with "danger for some".

Vehicular access will be from the development to the north. An existing watercourse maintained by the South Holland IDB abuts the western boundary of the site. An existing infiltration ditch abuts the eastern boundary of the site.

To the south of the site is an existing residential property and commercial business with an extensive hedge line along the southern boundary of the site.

RELEVANT PLANNING HISTORY

None.

REPRESENTATIONS

Holbeach Parish Council

Objection:

After reading the comments from the NHS and the Environment Agency we object due to the strain it will put on our doctors and dentists together with the flood risk assessment.

SHDC Strategic Housing Officer

Should the development be permitted the current policy requires about 25% of the development to be provided as affordable housing to meet district wide housing needs; for a development of 38 new homes this equates to 9.5 dwellings. Clearly 0.5 of a dwelling is not practical so using the 'about' in the policy wording 10 affordable dwellings would be sought unless the developer is able to demonstrate otherwise.

The affordable housing should be delivered in accordance with the affordable housing as described in Annex 2 of the National Planning Policy Framework dated July 2021, or any Planning Policy Statement, Guidance Notes or Circulars which may amend, supplement or supersede this.

Policy 18: Affordable Housing of the Local Plan recommends that a tenure split of 70% in favour of Rented and 30% Intermediate housing for sale dwellings will be sought, whilst appreciating that this may vary on a site by site basis due to factors such as viability or affordable housing need. Policy 17: Providing a Mix of Housing in the Local Plan encourages a mix of house types and sizes to meet a range of needs. I note from the site plan that the developer proposes to deliver 10 affordable homes currently listed on the plot schedule as 7 for rent (3 x 1 bed houses and 4 x 2 bed houses) and 3 for shared ownership (2 x 2 bed houses and 1 x 3 bed houses) which accords with policy and the affordable mix sought in the pre-planning advice response.

As per Policy 6 (Developer Contributions) of the Local Plan it would be preferable for the affordable housing to be secured through a s106 agreement. The s106 agreement should include an agreed affordable housing scheme detailing the tenure split, property types and sizes, plot numbers, internal floor areas, design standards and the phasing of the affordable housing units.

It would be preferable for the homes to be built to the 'Nationally Described Space Standards'. If this is not possible as a minimum the affordable homes should be delivered to 85% of these sizes, using the NDSS 1 bed 2 person 2 storey, 2 bed 4 person 2 storey and 3 bed 5 person 2 storey; which the affordable plots proposed do. Ideally the affordable housing should be spread proportionately across the scheme to enable a mixed and sustainable community.

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

SHDC Environmental Protection Officer

I have reviewed the GeoDyne 'Fen Road 10 Plus Combined Phase I Desk Study and Phase II Exploratory Investigation Project ref D41028' dated 31st March 2021 and am in agreement with the

findings. I note that the site investigation does not cover the full red line boundary for this site, however looking at the desk study information and the findings, there is no reason to think that the ground conditions would be dissimilar. I request the following condition be placed on any permission granted:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to Environmental Health. An investigation and risk assessment must be undertaken in accordance with details to be agreed with Environmental Health. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by Environmental Health. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by Environmental Health.

No comments regarding amended plans.

LCC Highways and Lead Flood Authority

Additional information has been requested and supplied, with regard to the extent of public highway, a Flood Exceedance Route Plan and existing site levels.

In addition to the above, LCC requested that the applicant provides a Construction Management Plan and Method Statement specifically outlining how surface water will be managed during construction of the development site.

NHS Lincolnshire Clinical Commissioning Group

The above development is proposing 38 dwellings which, based on the average of 2.4 people per dwelling for the South Holland District Council area, would result in an increase in patient population of 91.

An increase in population of 91 in the South Holland District Council area will place extra pressure on existing provisions, for example - extra appointments requires additional consulting hours. This in turn impacts on premises, with extra consulting/treatment room requirements.

Due to the fact that patients can choose to register at any practice that covers the area of the development, and there are no waiting lists for patients, all practices that provide care for the region that the development falls within are obliged to take on patients, regardless of capacity.

The development will impact Holbeach Medical Centre and Littlebury Medical Centre as the development is within their catchment area.

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

Lincolnshire Clinical Commissioning Group (LCCG) wishes for the Section 106 contribution from the development of 38 dwellings on Land Off Fen Road, Holbeach to contribute to a new purpose built health centre/primary care facility or extension to existing facility in Holbeach.

The NHS contribution requested for the development is £25,080.00 (£660 x 38 dwellings.)

Please note that the expectation is that the appropriate indexation rate and any late payment penalties would also be paid on top of the value specified above.

After reviewing the practices response regarding their capacity to accommodate the increase in patient numbers arising from this development, it's requested that the trigger point for the release for funds for health care be set at payment of all monies upon completion of 50 percent of the dwellings for each phase of the development. This will ensure the practices are not placed under undue pressure.

To ensure that there is sufficient time carry out the works and allow the s106 funds to be spent in the most appropriate way, a repayment period of 10 years from receipt of the final payment transfer (for the entire development) to the relevant NHS body will be required.

LCC Strategic Development Officer - Education

Please see below table in relation to the number of places required and available in local schools from/for the proposed development:

Type	Children produced by scheme	places available 2024/25?	To be mitigated
Primary	4	N	4
Secondary	4	N	4
Sixth-form	0	N/A	0

Contribution sought

Primary £45,105

Secondary £67,965

Sixth-form 0

Total £113,070

LCC Historic Environment Officer

The proposed development is situated in an area where archaeological remains have previously been identified, which is discussed in more detail in the Heritage Statement provided by the developer. Previous archaeological work has revealed, Roman, Saxon and medieval remains close to this site and it is possible that similar remains may exist here which could be destroyed during development. Recent excavations required in order to mitigate the impact of residential development to the north of the site has revealed evidence for early medieval activity including human remains, although the finds have yet to be fully analysed and reported on.

Approximately a third of the site (to the north of the drain) has already been evaluated, revealing a medieval ditch and some undated features. However, the majority of the site has not been assessed and its archaeological potential therefore remains unknown.

This means that at present there is insufficient information available with which to make a reasoned decision on the archaeological impacts of the proposed development. Therefore it is recommended that the developer is required to provide more site specific information in the form of an archaeological evaluation to be considered alongside this application. This evaluation should provide the local planning authority with sufficient information to enable it to make a reasoned decision on the archaeological impacts of this planning application. It should consist of trial trench evaluation focused only on the part of the site to the south of the modern drain.

As concluded in the Heritage Statement, previous work in this area has shown that geophysical survey is not an effective technique for characterising below ground archaeology in this area. Therefore it is recommended that the evaluation takes the form of trial excavation.

"Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation." National Planning Policy Framework section 16, paragraph 194.

Please ask the developer to contact this office for more information.

Environment Agency

No objection subject to condition regarding accordance with the Flood Risk Assessment.

South Holland Internal Drainage Board

The Board accepts the drainage strategy outlined in the Flood Risk Assessment (Millward, June 2021) and Drawing no. MA11419-200 in Appendix A of the same document. The Board has also noted the applicant's intentions to raise site levels (section 6.4.1 of the FRA). Aligning with the LCC

Highways SuDS Consultation response dated 19th August 2021 we believe it would be helpful if the applicant could clarify their intentions about site levels for the benefit of consultees.

The Board affirms its readiness to engage with the applicant towards agreeing the final detailed design of the development's drainage system via the land drainage consenting process. As per our previous submission, any consent for the discharge of surface water into the Drainage District will likely be conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy.

An application to relax Byelaw 10 will be required for the construction of the surface water discharge pipe and headwall within the 9 metre Byelaw easement of the Board's adopted watercourse F38 Holbeach Old River.

Anglian Water

Assets Affected

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

Wastewater Treatment

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

Used Water Network

This response has been based on the following submitted documents: FRA June 2021. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Request standard informatives.

Surface Water Disposal

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

We note the applicant states the SuDS scheme may / will be adopted by Anglian Water. As yet the applicant has not engaged with us, therefore we cannot comment, at this stage, on the proposals suitability. Anglian Water encourage the use of SuDS and if the developer wishes us to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed.

Lincolnshire Wildlife Trust

The ecological appraisal that I have seen for this site is by Hillier Ecology dated July 2021. It only suggests provisions of bird and bat boxes.

This seems very minimal if the site is for 370 houses? Much more could be included to help deliver for biodiversity. There is no interpreted information from Local Environment Record Centre record search included, the data should be interpreted and any significant information used to inform what is provided on the ground. Irrespective of this, I would suggest looking at provision of appropriate wildflower grassland and planting across the whole development site as indicated.

Police Force Designing Out Crime Officer

No objection.

PLANNING CONSIDERATIONS

The main issues in this case are:
Principle of Development and sustainability
Developer Contributions
Layout and Design
Highway safety and parking
Impact of neighbouring Residents/land users
Flooding considerations
Foul and Surface Water Drainage
Landscape Impact and Impact on trees
Contaminated Land
Archaeology
Biodiversity

Principle of Development and Sustainability

The site is located within the settlement boundary of Holbeach, which is considered to be a Main Service Centre within the SELLP. 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.

The site, although not allocated for development, is within the settlement boundary and is thus considered to be a sustainable location. This development accords with Policy 1 of the SELLP in this regard. The site is considered to be a windfall site and would provide additional market and affordable housing within this part of the District.

Although this site is good quality farm land, it is not considered that its development would lead to such a loss of agricultural land overall within the District that would warrant refusal of permission on that basis.

Developer Contributions

The development would have an impact on demand for local health and education services, and the contributions requested by the NHS and the LCC Education Service are to be provided via a Section 106 legal agreement.

In addition the Section 106 is to provide the 25% affordable housing provision.

Provided the affordable housing and developer contributions for education and the NHS are delivered, the scheme accords with Policies 6 and 18 of the SELLP.

Layout and Design

The proposal sets out a scheme of 38 two storey dwellings, with highway and pedestrian access from an existing access to a wider development from Fen Road. The development has been planned as effectively an extension to the wider development adjacent to the site, and shares access and design characteristics.

The layout of the development has been revised to address the constraints of the Anglian Water easement and drainage easements that run through the site. The dwellings would face the highway and certain plots would front the open space that runs through the site. This is actually an easement and some element of surveillance from dwellings.

In addition the hedge line on the south eastern boundary to Fen Road is to be retained. The hedge line on the western boundary is outside the red line of this application and cannot therefore be controlled.

Facilities for refuse collection are to be provided and as the highway is to be predominantly adopted, refuse would be collected from dwelling plots.

It is considered that the proposals accord with Policies 2 and 3 of the SELLP.

Highway safety and parking

The access roads and pavements around the site are to be adopted, and LCC Highways Service

raise no objection to the form and layout.

Sufficient on plot parking would be provided in accordance with SELLP Policy 3 and appendix 6.

Impact of neighbouring Residents/land users

The land to the north east is under development for housing, and the layout takes in to accord relationships to the dwellings to be built on that land. The development accords with Policies 2 and 3 of the SELLP.

Flooding considerations

In terms of Sequential Test the site sits wholly within Flood Zone 3 which is the case for a large part of the District. Hazard mapping shows the probability of tidal flooding breach scenario in the 1:200 and 1:1000 (2115) event probability.

The development site would see a greenfield site be developed for residential use which will provide a contribution to the housing targets for the district, in a sustainable location (close to the town centre and current amenities of Holbeach) and as such has a wider benefit to the community as a whole.

The land to the north eastern boundary of the site has received planning permission and this site should be considered as part of the wider, more comprehensive, development.

The Flood Risk Assessment confirms through the assessment of flood risk from all sources that the development by design can be made safe in terms of flood risk and would not increase the risk of flooding elsewhere. The Exception Test is passed.

The Flood Risk Assessment sets levels expectations and this is to be controlled via condition.

Foul and Surface Water Drainage

Foul water provision is to be dealt with by connection to the existing mains sewers in the area, and the views of Anglian Water are set out above.

Surface water provision is to be a drainage system incorporating road side filter strips, as infiltration is not viable; this is confirmed in the Flood Risk Assessment that has been submitted. The system would eventually discharge to existing watercourses. Specifically, consent is already requested of the IDB to eventually discharge to the IDB maintained Holbeach River, and Anglian Water will ultimately adopt the filter drain pipework under a Section 104 agreement at the design stage. As this is not yet agreed it is recommended that a condition to deal with surface water drainage is appended to this decision.

Landscape Impact and Impact on trees

A landscaping strategy is to be submitted by condition to provide a robust landscaping scheme, as well as to ensure biodiversity, which is discussed below.

Contaminated Land

Combined Phase I Desk Study & Phase II Exploratory Investigation Report has been considered and the SHDC Environmental Protection Officer would seek further intervention if unexpected contamination is found on site during construction.

Archaeology

The LCC Historic Environment Officer has considered the submissions and observes that the proposed development is situated in an area where archaeological remains have previously been identified, which is discussed in more detail in the Heritage Statement provided by the developer. Previous archaeological work has revealed, Roman, Saxon and medieval remains close to this site and it is possible that similar remains may exist here which could be destroyed during development. Recent excavations required in order to mitigate the impact of residential development to the north of the site has revealed evidence for early medieval activity including human remains, although the finds have yet to be fully analysed and reported on.

Approximately a third of the site (to the north of the drain) has already been evaluated, revealing a medieval ditch and some undated features. However, the majority of the site has not been assessed and its archaeological potential therefore remains unknown.

This means that at present there is insufficient information available with which to make a reasoned decision on the archaeological impacts of the proposed development. Therefore it is recommended that the developer is required to provide more site specific information in the form of an archaeological evaluation to be considered alongside this application. This evaluation should provide the local planning authority with sufficient information to enable it to make a reasoned decision on the archaeological impacts of this planning application. It should consist of trial trench evaluation focused only on the part of the site to the south of the modern drain.

As concluded in the Heritage Statement, previous work in this area has shown that geophysical survey is not an effective technique for characterising below ground archaeology in this area. Therefore it is recommended that the evaluation takes the form of trial excavation.

"Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation." National Planning Policy Framework section 16, paragraph 194.

As this is the case it is recommended that conditions are appended to ensure the site is correctly investigated and evaluated, in accordance with Policy 29 of the SELLP and the provisions of the NPPF.

Biodiversity

A protected species report was provided to support this application. The survey of the drain on the site recorded evidence of Water Vole and recommends that an appropriate buffer zone to development will be needed. This can be sought via condition.

The application is not supported by a biodiversity plan and the site has greater potential for biodiversity than shown by the submission. It is recommended that a condition is appended to seek a biodiversity plan.

A specific condition is to be added to cover the provision of swift boxes, and this would not preclude further works included within a biodiversity plan.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

Approve, in conjunction with S106 for affordable housing and developer contributions.

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.

RECOMMENDATION

Delegated approval subject to conditions and completion of S106 agreement.