

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 07 June 2023

(Author: David Gedney - Senior Planning Officer)

Purpose: To consider Planning Application H11-0994-22

Application Number: H11-0994-22

Date Received: 10 October 2022

Application Type: FULL

Description: Residential development comprising 56 dwellings

Location: Land to Rear of 36 Lime Walk Long Sutton Spalding

Applicant: Stinders Homes SPV1 Ltd/PJK **Agent:** H A Architectural Services
Magpie Close Ltd.

Ward: Long Sutton **Ward Councillors:** Cllr A C Tennant
Cllr J Tyrrell
Cllr D J Wilkinson

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

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H11-0994-22>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application raises issues that warrant consideration by Planning Committee.

2.0 PROPOSAL

2.1 Full planning permission is sought for 56 dwellings (Phase 2), 14 of which would be affordable/first homes. The development would be served by a new adoptable road off Lime Walk and Magpie Close via Phase 1 (70 dwellings - ref. H11-1264-18 and H11-0552-22). Some of the properties would be located off private drives. The density would be approximately 36 dwellings to the hectare.

2.2 The proposed housing mix would be as follows:
4 no. 1 bed houses
6 no. 2 bed houses
43 no. 3 bed houses
3 no. 4 bed houses
Total 56

2.3 The tenure mix would be as follows:
2 no. 1 bed First Homes
2 no. 1 bed Affordable Rented Homes
2 no. 2 bed First Homes
2 no. 2 bed Affordable Rented
2 no. 2 bed Intermediate Shared Ownership
1 no. 3 bed Affordable Rented
1 no. 3 bed Intermediate Shared Ownership

41 no. 3 bed Private
2 no. 4 bed Affordable Rented
1 no. 4 bed Private
Total 56

3.0 SITE DESCRIPTION

- 3.1 The application site (approximately 1.53ha) is agricultural land situated on the eastern side of Lime Walk.
- 3.2 A house (No. 36 Lime Walk) is situated immediately to the west. Phase 1 (70 dwellings) is situated to the south-west on the opposite side of a LCC public footpath and an estate (Anfield Road/Magpie Close) beyond. A play area is situated to the south-east and thereafter residential properties off John Swain's Way. Agricultural land is located to the north-east and rear (east).

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

Policy 1 - Spatial Strategy;
Policy 2 - Development Management;
Policy 3 - Design of New Development;
Policy 4 - Approach to Flood Risk;
Policy 6 - Developer Contributions;
Policy 10 - Meeting Assessed Housing Requirements;
Policy 11 - Distribution of New Housing;
Policy 17 - Providing a Mix of Housing;
Policy 18 - Affordable Housing;
Policy 28 - The Natural Environment;
Policy 30 - Pollution;
Policy 36 - Vehicle and Cycle Parking.

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.

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 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.

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

- 5.1 H11-1264-18 - Outline - Proposed residential development (up to 70 dwellings) - Granted 7 November 2019.
- H11-0552-22 - RM - Erection of 70 Dwellings - outline approval H11-1264-18 - Approval 16 December 2023.
- H11-0196-23 - Cond Comp - Details relating to contamination & drainage - (Conditions 6, 7 & 12 of H11-1264-18 and construction management plan (Condition 5 of H11-0552-22) - Under

consideration.

H11-0383-23 - S73 - Proposed Residential Development - up to 70 dwellings - approved under H11-1264-18. Modification of Condition 11 to allow for a temporary access road into the site for construction traffic & deliveries rather than only the first 60 metres of estate road to be constructed before any dwelling is commenced - Under consideration.

6.0 REPRESENTATIONS

6.1 Long Sutton Parish Council

Respectfully ask that you do all you can to support our S106 Funding application.

The Long Sutton Parish Council request a share of any available S.106 Funds that might possibly be available from this and any future application to enable the Parish Council to carry out the renovation, improvements, rejuvenation, and additions to open spaces (Cinder Ash Park and elsewhere), children of all ages play facilities and a new Skateboard Park within Long Sutton.

As you may be aware the Long Sutton Parish Council have so far been unsuccessful in obtaining any S106 funding for our open spaces.

Our proposed improvements will be for the benefit of all local residents and improve the Cinder Ash Park for all. We are in the process of seeking some alternative Grant Funding for the above-mentioned improvements, but it would be of considerable assistance to the Parish Council if we are awarded S106 funding to help in this process.

6.2 Cllr J Tyrrell

When the site is completed, I would like to see no cars/lorries driving from this development onto Magpie Close (where the children play area is).

6.3 Cllr D J Wilkinson

In my opinion this is over development in this area. The existing permission for phase 1 adjacent to this site will have a significant impact on existing residents of Lime Walk. This addition with the density of proposed properties is unacceptable.

6.4 Local Highway and Lead Local Flood Authority

Formal response awaited.

6.5 South Holland Internal Drainage Board

Byelaw 3 (Surface water)

The applicant proposes to discharge surface water to a watercourse, although it is unclear whether they propose to discharge at 1.9l/s, as indicated in the Preliminary Drainage Strategy Phase 2 or at 3.9l/s as indicated in the FRA. I am however pleased to see that the applicant has aimed to reduce the discharge to at least QBar. Regardless of the proposed discharge rate, this proposal will require consent under Byelaw 3, and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience.

Section 23, Land Drainage Act 1991

Having reviewed the updated plan, it seems that the applicant is no longer proposing a direct access from Lime Walk to Phase 2 of the new development. Should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10

I note that the applicant intends to install surface water drainage infrastructure within 9 metres of the Board Maintained and owned watercourse. To enable this proposal, consent would be required under Byelaw 10, and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience. Note that Drawing number 4149/202

P8 references a 9m "easement" adjacent to the aforementioned Board Maintained and owned watercourse as requested. While this is not reflected in the Drainage strategy plan, I trust that this is an oversight and on the basis that above ground works will follow drawing number 4149/202 P8, the Board is satisfied that these will not negatively impact Board function.

As Land Drainage Consent is required, the Board strongly recommends that this is sought from the Board prior to determination of this planning application.

6.6 Environmental Protection

Contamination - Have reviewed the Phase I Land Contamination Assessment by Brown Fisher Environmental dated 27 June 2022. Due to the scale of the development and the previous agricultural use of the land, recommend that a Phase II investigation is carried out for site to ensure a safe development and protect end users. Therefore, request Parts ii, iii and iv of the standard contamination condition.

Noise - No objections. Request a construction management plan.

6.7 Housing Strategy

Recommend an affordable housing mix of 14 dwellings as below:

2 no. 1 bed 2 person First Homes
2 no. 1 bed 2 person Affordable Rental
2 no. 2 bed 4 person First Homes
2 no. 2 bed 4 person Affordable Rental
2 no. 2 bed 4 person Shared Equity
1 no. 3 bed 5 person Affordable Rental
1 no. 3 bed 5 person Shared equity
2 no. 4 bed 7 person Affordable Rental
Total 14

There is evidence of 3 bed ground floor need in Long Sutton so ideally the affordable rental unit would be a bungalow. The 14 affordable is derived from the policy requirement of 25% on-site provision relating to the 56 units.

6.8 NHS Lincolnshire

Request contribution of £36,960 (£660 x 56 dwellings).

6.9 LCC Education

Recommend contribution of £255,030.

6.10 Lincolnshire Wildlife Trust

Lincolnshire Wildlife Trust would like to register a holding objection until it is possible to review the application following submission of the Habitats Regulations Assessment as required by Natural England. We would also like to see evidence of how the Biodiversity Net Gain requirements are intended to be met.

6.11 Environment Agency

Recommend condition relating to finished floor levels.

6.12 Anglian Water

Recommend condition.

6.13 Lincolnshire Police

No objections. Recommend crime prevention measures.

6.14 LCC Historic Environment Officer

No archaeological input.

6.15 The Rt Hon Sir John Hayes CBE MP

Firstly, share my constituents concerns about the overdevelopment of this site. The number of dwellings proposed does appear excessive for the size of the plot.

Has any influence of the surrounding built environment been used for the design of the new houses?

The access to the development appears to be via Lime Walk and through Phase 1, which already has outline planning permission for 70 dwellings. Clearly, a further 56 dwellings will see a significant increase in traffic movements and have a detrimental impact on the residents of Lime Walk.

My constituents are extremely concerned about the added strain an additional 56 dwellings will have on the local infrastructure. In particular, schools, GPs and dentists.

As always, I am concerned to see the loss of prime agricultural land. As I have said before, it is so important that farming land remains in production to ensure that food prices remain affordable, and that we maintain food security and protect our environment.

Object. Would be grateful if this application could be determined by Planning Committee.

6.16 Public

Objections/concerns from nearby residents (summarised):

- Overdevelopment. Too much for Lime Walk.
- Overbearing for the neighbourhood.
- Already enough new dwellings in Long Sutton, including Butterfly Park
- Significant increase in traffic (possible 200 plus vehicles). No-one acknowledges 30mph signs. Local roads unsuitable.
- No infrastructure to cope for extra traffic volumes.
- Infrastructure inadequate (eg, schools, doctors' surgeries, shops, etc)
- Noise/vibration
- Flood risk measures/retaining walls impact upon No. 36 Lime Walk
- Crossing public footpath that is used regularly by local residents, including children. Should be protected and kept safe.

7.0 CONSIDERATIONS

7.1 Planning Considerations

The main issues in this case are:

- Principle.
- Character/appearance.
- The likely impact upon the amenity of nearby residents.
- Highway issues.
- Other material considerations such as flooding, drainage, S106 planning obligations, contamination and ecology.

7.2 Housing Policy/Principle

7.3 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.

7.4 The site is inside Long Sutton Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 of the SELLP indicates that within the settlement boundaries of the Main Service Centres, including Long Sutton, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps

meet the service needs of other local communities.

- 7.5 Moreover, the site is allocated for housing (ref. Los008). Policy 11 of the SELLP indicates that the amount of new housing on the site should be approximately 34. However, it should be noted that explanatory text accompanying Policy 11 states that "the housing site allocations for each settlement identified by Policy 11 indicate the capacity of the sites shown on the Inset Maps. This is only a broad indication based upon 30 dwellings per hectare for sites within the Boston urban area and Spalding, and 20 dwellings per hectare for all the Main and Minor Service Centres. The settlement-specific Housing Papers will highlight those few sites where this assumed ratio of dwellings per hectare is different. 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." Consequently, proposed allocated sites should be assessed on their own planning merits.
- 7.6 Policy 17 of the South East Lincolnshire Local Plan stresses that providing a mix of property types is important in meeting housing needs, as well as delivering sustainable development for the community. The proposal is considered to be satisfactory in this respect.
- 7.7 No objections are therefore raised in principle, subject to other material considerations.
- 7.8 Character/Appearance
- 7.9 Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 8 states that the planning system should ensure that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment. Paragraph 126 indicates that good design is a key aspect of sustainable places. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change (such as increased densities).
- 7.10 The proposed scheme (phase 2) consists of 56 houses, including 26 no. two and a half storey properties. The development would be served by a new adoptable road off Lime Walk and Magpie Close via the previously approved Phase 1 for 70 dwellings (ref. H11-1264-18 and H11-0552-22). Some of the properties would be located off private drives. The density would be approximately 36 dwellings to the hectare. A central area of open space, plus tree planting, has been approved as part of Phase 1. A maintenance company would be established with a schedule of maintenance for the open space, landscaping, private driveways, etc.
- 7.11 Phase 2 incorporates 6 no. dwelling types across the layout, including detached, semi-detached and terraced houses. Similar to Phase 1, the properties would be constructed in either TBS Mystique (buff) or Holmfirth (red) bricks, with Sandtoft Calderdale Edge tiles (grey) on the roofs. The windows would be white uPVC with cast stone heads and cills (colour Bath).
- 7.12 There is a general mix of residential properties along Lime Walk and the general locality. The site is partially screened by a row of existing trees along the Lime Walk highway verge fronting Phase 1, plus No 36 Lime Walk, although it would be visible from the north. Consequently, hedge and tree planting are recommended along the north-eastern boundary. The layout, design and house types reflect both Phase 1 and existing development off Anfield Road and Magpie Close to the south. Taking these factors into consideration, the proposal would not materially harm the character or appearance of the street scene or locality.
- 7.13 The proposal therefore satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 on visual amenity grounds.
- 7.14 Amenity

- 7.15 Existing ground levels on the site generally vary between 2.5-2.75m aOD. The western boundary adjoining no. 36 Lime Walk is mainly in the region of 2.8m aOD. Finished floor levels would be set at 3.45m aOD with ground levels 150mm below this point, similar to Phase 1 and the existing estate to the south. This is in accordance with the recommendations of the Environment Agency, who have indicated that finished floor levels be set no lower than 3.4m aOD for flood risk reasons.
- 7.16 The nearest residential property to Phase 2 is No. 36 Lime Walk to the west. The nearest houses to No. 36 are those on plots 80 to 84. The details are outlined below:
- 7.17 Plot 80
FFL 3.45m AOD
Proposed ground level 3.30m AOD
Existing boundary ground level 2.83m AOD
Height of FFL above existing boundary ground level 0.62m
- 7.18 Plot 81
FFL 3.45m AOD
Proposed ground level 3.30m AOD
Existing boundary ground level 2.83m AOD
Height of FFL above existing boundary ground level 0.62m
- 7.19 Plot 82
FFL 3.45m AOD
Proposed ground level 3.30m AOD
Existing boundary ground level 2.86m AOD
Height of FFL above existing boundary ground level 0.59m
- 7.20 Plot 83
FFL 3.45m AOD
Proposed ground level 3.30m AOD
Existing boundary ground level 2.86m AOD
Height of FFL above existing boundary ground level 0.59m
- 7.21 Plot 84
FFL 3.45m AOD
Proposed ground level 3.30m AOD
Existing boundary ground level 2.86m AOD
Height of FFL above existing boundary ground level 0.59m
- 7.22 As indicated above, FFLs of plots 80-84 would be approximately 0.6m above existing ground levels at the point where the present boundary fence is located. Plots 80, 81 and 82 would be approximately 35 metres from the rear elevation of No. 36 Lime Walk. Plots 83 and 84 would be closer (approximately 27m and 17m at their nearest point) but are positioned at an angle. The rear elevation of the semi-detached houses on plots 80-81 would have bedroom windows on the first floor and ensuite rooflights on the second floor. The detached properties on plots 82-84 would have bedroom, landing and bathroom windows on their rear elevation at first floor level. Screening along the western boundary of the site adjoining No. 36 Lime Walk would need to consist of 1.8m fencing set on a retaining wall (height approximately 675-700mm). The general relationship of the properties to No. 36 Lime Walk and the separation distances involved are such that the amenity of occupiers of No. 36 would not be materially harmed in terms of overlooking/lack of privacy, subject to appropriate boundary screening.
- 7.23 In terms of overbearing effect, the properties are positioned an acceptable distance from No. 36 Lime Walk. Concerning overshadowing, No. 36 may suffer some blockage of sunshine during the morning, especially during the winter months. However, the separation distances are such that this would not be significant and not considered to be such as to justify refusal.
- 7.24 It is accepted that residents off Anfield Road and Magpie Close, plus occupiers of no. 36 Lime Walk, may suffer some additional disturbance, especially during the construction stage. A construction management plan is therefore recommended to help alleviate disruption to existing residents. This can be addressed by means of a condition.

- 7.25 In terms of the relationship to neighbouring development, therefore, it is considered that the proposal would not materially harm the amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc, subject to mitigating conditions. The proposal therefore accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 on amenity grounds. They set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.
- 7.26 Highway Safety/Parking
- 7.27 Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.
- 7.28 Phase 1 is accessed off both Lime Walk and also the adjacent estate (Anfield Road/Magpie Close) to the south. It is highly likely that vehicular traffic associated with Phase 2 will use the Lime Walk entrance, since this is a more direct route.
- 7.29 The road would be constructed to adoptable standards, other than small sections of private drive which have been reduced in length, in accordance with SHDC guidance, and refuse collection points have been provided. On site parking facilities have been provided in accordance with the requirements of Appendix 6. The existing public footpath between Phases 1 and 2 would be retained.
- 7.30 It should be noted that a temporary access roadway is proposed to Phase 1 for construction traffic, etc until such time as the new access off Lime Walk has been constructed in accordance with technical details to be agreed by LCC Highways and the South Holland Internal Drainage Board. This matter is being dealt with through a separate condition compliance application relating to Phase 1 (ref. H11-0196-23), which is still under consideration.
- 7.31 A formal response from the Local Highway and Lead Local Flood Authority is awaited.
- 7.32 Flood Risk/Drainage
- 7.33 The site is within Flood Zone 3 of the Environment Agency's flood zone maps and within an area designated as "Danger for Most" within the South East Lincolnshire Strategic Flood risk Assessment. The sequential test therefore needs to be applied. In this case, such a test has already been undertaken because it is an allocated housing site (ref. Los008).
- 7.34 In terms of the exceptions test, the Environment Agency has recommended that finished floor levels be set no lower than 3.4m aOD. The scheme complies in this respect because finished floor levels would be set at 3.45m aOD.
- 7.35 It is understood that foul water would be discharged to a proposed foul water pumping station approved as part of Phase 1, adjacent Magpie Close. Foul water would then be pumped to an existing foul sewer manhole in the adjacent turning head in Magpie Close. Nevertheless, Anglian Water has indicated that they require further details to ensure that any infrastructure improvements are delivered in line with the development to prevent an unacceptable risk of flooding downstream. They have therefore requested a condition requiring a scheme for on-site foul water drainage works, including connection point and discharge rate, to be submitted to and approved in writing prior to construction above damp-proof course.
- 7.36 A SUDS scheme would be utilised to dispose of surface water in accordance with Government advice relating to a development of this scale. This would include swales, porous paving on the private drives and an outfall to the frontage drain.

- 7.37 It should be noted that drainage consent will be required from the South Holland Internal Drainage Board for discharge of water to a watercourse, plus works within 9 metres of a watercourse if applicable. This is a separate matter between the two parties and the applicant is aware of this fact.
- 7.38 S106 Contributions
- 7.39 Policy 18 of the SELLP indicates that sites such as this should include 25% as affordable housing. The scheme therefore includes 14 no. affordable housing, and the tenures proposed have been recommended by Housing Strategy. The latter recommended the inclusion of a 3 bed bungalow (affordable rental). However, a bungalow has not been included because it would be out of character with the remainder of the estate, which is solely houses. This matter can be addressed by means of a S106 planning obligation.
- 7.40 Education/healthcare facilities contributions are required in accordance with details below and can also be dealt with under the terms of the S106 planning obligation.
- 7.41 Education Contribution - Lincolnshire County Council have requested a sum of £255,030 (£229,527 Secondary and £25,503 Sixth-form).
- 7.42 Health Care Contribution - NHS Lincolnshire have requested £36,960 (£660 x 56 dwellings).
- 7.43 Contamination
- 7.44 The submitted Phase I report indicates that "no evidence has been found to suggest that potentially contaminative materials are present beneath the site to deleteriously affect its development and future use. As such, no further investigation of the site is considered necessary at this stage."
- 7.45 Nevertheless, Environmental Protection have reviewed the Phase I Land Contamination Assessment and recommend that, due to the scale of the development and the previous agricultural use of the land, a Phase II investigation should be carried out to ensure a safe development and protect end users. They therefore request parts ii, iii and iv of the standard contamination condition.
- 7.46 Ecology
- 7.47 Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as impact or enhancement for areas of natural habitats. Policy 3 indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.
- 7.48 Policy 28 indicates that all development should provide an overall gain in biodiversity. The explanatory text sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure.
- 7.49 Paragraph 174 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 7.50 The site is currently agricultural land and presently has low ecological value. The application is accompanied by a Preliminary Ecological Appraisal which indicates that no protected species were recorded within the site.
- 7.51 The development will need to demonstrate net Biodiversity gain, in accordance with the National Planning Policy Framework. This will require a Biodiversity Net Gain Plan which

includes a baseline assessment of what is currently on site, an estimation how proposed designs will add to that level, and latterly supported by post-construction evidence has been delivered. Whilst the Lincolnshire Wildlife Trust's comments are noted it is considered that this matter can be dealt with by means of conditions.

7.52 Other Matters

7.53 Concern has been raised about the loss of high-quality agricultural land to housing. However, the majority of land within South Holland is either Grade 1 or Grade 2. In order to deliver the Council's required 'objectively assessed housing need,' as per the provisions of the NPPF, it is inevitable that some high-grade agricultural land will be lost. Given this context, it is not considered that the loss of this amount of agricultural land in this location is an issue that would significantly and demonstrably outweigh the benefits of housing development, and thus represent a valid reason for refusal in this instance.

7.54 In term of public open space, an integral area has been provided within Phase 1. Access can also be gained to an existing play area to the south-east off John Swain's Way via the existing public footpath immediately to the south of Phase 2. It is therefore considered that there is satisfactory provision within the immediate area.

7.55 Planning Balance

7.56 The site is inside Long Sutton Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Moreover, the site is allocated for housing (ref. Los008). Policy 11 of the SELLP indicates that the amount of new housing on the site should be approximately 34. However, 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. Consequently, proposed allocated sites should be assessed on their own planning merits.

7.57 The design, layout and house types reflect the character/appearance of Phase I, plus existing development off Anfield Road and Magpie Close to the south. It is considered that the proposal would not materially harm the character or appearance of the locality or amenity of neighbouring residents, subject to appropriate boundary screening given that ground and finished floor levels would be raised.

7.58 Access arrangements and road layout are considered acceptable in principle and car parking is generally in accordance with Appendix 6. No objections are raised on flood risk or drainage grounds, subject to conditions.

7.59 The proposal will need to demonstrate a net biodiversity gain. This matter can also be addressed by conditions.

7.60 There are no material considerations of such weight as to outweigh factors in favour of the scheme.

7.61 **Additional Considerations**

7.62 Public Sector Equality Duty

7.63 In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging

participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

- 7.64 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.65 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.
- 7.66 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.67 Human Rights

- 7.68 In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).
- 7.69 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.

7.70 **CONCLUSION**

- 7.71 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.
- 7.72 The proposal is generally in accordance with the aims and objectives of Policies 1, 2, 3, 4, 6, 10, 11, 17, 18, 28, 30 and 36 of the South East Lincolnshire Local Plan, 2019, amongst others, as well as guidance in the National Planning Policy Framework, 2021.

8.0 RECOMMENDATIONS

- 8.1 **Authorised to grant permission subject to:**
a) the Local Highway and Lead Local Flood Authority raising no objections.
b) the applicant entering a S106 planning obligation for the provision of a minimum 25% affordable housing, plus the provision of education and healthcare contributions.
c) conditions outlined within Section 9 of this report, plus any further conditions recommended by the Local Highway and Lead Local Flood Authority.

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 and/or documents:
4149/102 Rev P1
4149/111 Rev P6
4149/202 Rev P8
4149/205 Rev P2
22-47-01
8939-103-001 Rev A
4149/1000
4149/2000
4149/3000 Rev P1
4141/4000
4149/5000 Rev P1
4141/8000
Flood Risk Assessment by H H Architectural dated October 2022
Preliminary Ecological Appraisal by Reports 4 Planning (Report Ref. 225773PEA) dated 27 June 2022
Pre-development Tree Survey BS5837:2012 by Reports 4 Planning (Report Ref. 225773ARB) dated 27 June 2022
Phase 1 Land Contamination Assessment by Reports 4 Planning (Report Ref. 225773CLR) dated 27 June 2022
- Reason: For the avoidance of doubt and in the interests of proper planning.
3. Before the commencement of the development hereby permitted beyond oversight a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.
- Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.
- This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2021.
4. Notwithstanding any submitted details finished floor levels shall be set at 3.45m aOD and ground levels shall be at least 150mm below finished floor levels, unless otherwise approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.
- Reason: To ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of flood risk and also the amenity of adjacent residents and its visual and architectural relationship with adjacent development.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

5. Before the commencement of the development hereby permitted beyond oversight, 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 3.1 (or any successor).

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set, 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.

6. Prior to its installation, details of the proposed boundary treatment/screening, 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. The details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Note: The scheme should include native hedge planting along the north-eastern boundary of the site to help integrate the development into the rural locality and soften its impact.

Note: Because 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.

7. Prior to occupation of any dwelling a concrete retaining wall and 1.8m high close boarded timber fencing shall be erected along the western boundary of the site adjoining No. 36 Lime Walk in accordance with details on dwg. no. 4149/205 Rev P2. It shall thereafter be so maintained.

Reason: In order to ensure that the site is adequately screened, 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.

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

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

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

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

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

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

10. 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.

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

The Construction Management Plan and Method Statement shall indicate measures to protect residential amenity, mitigate against the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;

- the phasing of the development to include access construction;
- the on-site parking of vehicles of site operatives and visitors;
- the on-site loading and unloading of plant and materials;
- the on-site storage of plant and materials used in constructing the development;
- wheel washing facilities;
- a strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction;
- measures to minimise the impact of noise, dust, vibration and smoke during the construction period.

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

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

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

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

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

13. Refuse and recycling collection points shall be provided in accordance with details shown on the approved plans before any dwelling to which they relate is occupied and shall thereafter be so maintained.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set.

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

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

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

i) an exploratory site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed end use. A full copy of the site investigation and findings shall be forwarded to the LPA without delay upon completion.

ii) Thereafter, a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.

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

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

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

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

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

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

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

16. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, including/plus the following measures:
- Finished floor levels shall be set at 3.45m aOD;
 - Flood resilient construction shall be incorporated within the development up to 300mm above finished floor level.
- The mitigation measures shall be fully implemented prior to occupation.

Notes

The applicant is advised to refer to the following document for information on flood resilience and resistance techniques that could be incorporated into the development: "Improving Flood Performance of New Buildings - Flood Resilient Construction" (Department for Communities and Local Government, 2007).

Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

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.

17. Prior to construction above damp proof course, a scheme for on-site foul water drainage works, including connection points and discharge rates, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any dwelling, the foul water drainage works must have been carried out in accordance with the approved scheme.

Reason To prevent environmental and amenity problems arising from flooding.

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

18. 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 per hectare;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved details. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development.

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

19. Prior to the commencement of the development hereby permitted beyond oversite, a Biodiversity Net Gain Plan to demonstrate a minimum of 10% net gain in biodiversity on-site shall be submitted to, and approved in writing by, the Local Planning Authority. This shall be supported by a Biodiversity Management Plan setting out how the biodiversity enhancements will be managed and monitored for the lifetime of the development.
- NOTE: The Biodiversity Metric 3.1 (or any successor) should be used to calculate the percentage increase in biodiversity.
- The development shall be undertaken and thereafter maintained in accordance with the approved details.
- Reason: In the interests of achieving a minimum of 10% Biodiversity Net Gain on-site. This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.
20. 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.
21. Any further conditions recommended by the Local Highway and Lead Local Flood Authority.
22. Note: 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>
23. Note: This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 and can only be implemented as a consequence of meeting the provisions of that Agreement
24. Note: You are advised of the need to also comply with the requirements of the Drainage Board, which are covered by their own Bye-laws. You are further advised that any future amendments to this application and/or compliance with conditions must also respect those Bye-laws. Please contact the Drainage Board directly for further information.

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

