SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 09 November 2022**

(Author: **Polly Harris-Gorf - Principal Planning Officer)**

Purpose: **To consider Planning Application H15-1066-21**

Application Number:	H15-1066-21	**Date Received:**	13 October 2021
Application Type:	FULL		
Description:	Residential Development Comprising of 36 Dwellings		
Location:	Land Off St Margarets Quadring Spalding		
Applicant:	Seagate Homes (UK) Ltd.	**Agent:**	Seagate Homes (UK) Ltd.
Ward:	Donington, Quadring and Gosberton	**Ward Councillors:**	Cllr H J W Bingham Cllr S C Walsh Cllr J L King

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H15-1066-21

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 For reasons of transparency as South Holland District Council owns the land which would be used for the proposed access connection to the adopted highway of St Margarets, plus issues raised regarding viability and public objections that warrant Committee consideration.

2.0 PROPOSAL

2.1 Full application for a residential development comprising of 36 dwellings, with access from St Margarets, which is an established residential area.

2.2 Specifically, the layout would provide a mix of detached, semi-detached and short terraces of dwellings and bungalows, accessed from an adopted T-shaped road from St Margarets. The dwellings are designed to face the new access road, with short gardens and/or parking to the front, and rear gardens backing on to existing rear gardens or on to the open space within St Margarets. The design of dwellings are house types that have been used elsewhere in the District by this applicant. The density proposed would be 35 dwellings per hectare.

2.3 An attenuation basin is shown on the northern part of the site, and a small area of open space show at the entrance of the site.

2.4 The development proposal as revised would provide a mix as follows:

2no. x 1 bedroom houses (plots 35 and 36),
2no. x 2 bedroom bungalows (plots 8 and 9),
18no. x 2 bedroom houses (plots 1, 2, 6, 4, 5, 10, 11, 12, 13, 14, 17, 18, 19, 20, 28, 29, 30 and 31),

12no. x 3 bedroom houses (plots 3, 7, 15, 21, 22, 16, 25, 26, 27, 32, 33 and 34) and 2no. x 4 bedroom houses (plots 23 and 24).

2.5 Five affordable dwellings are currently proposed as follows:

Affordable rent: 1no. x 3 bedroom house, 2no. x 1 bedroom house (Plots 34, 35 and 36)

Shared Ownership: 1no. x 2 bedroom house, 1no. x 3 bedroom house (Plots 6 and 7)

2.6 The possibility of one further affordable dwelling is discussed below, in the context of the viability assessment. The viability submission is included with this report as Appendix B.

2.7 Vehicular and pedestrian access is shown from St Margarets, which presently serves four dwellings, and it is proposed to extend the road eastwards into the main body of the site, with spurs then leading northwards and southward. Also, a pedestrian footpath to Main Road is proposed.

2.8 The application has been revised since submission and is supported by a Design and Access Statement, Flood Risk Assessment, Preliminary Drainage Strategy, a viability submission and an amended landscaping plan that includes a willow tree previously omitted.

3.0 SITE DESCRIPTION

3.1 The application site has an area of approximately 1.03 hectares (2.56 acres) and is accessed from St Margaret's only. The land is a rectangular field, the shape and size determined by the surrounding open drains. The site is bordered to the south of the site by the rear of properties which front St Margaret's and Main Road. It extends past the play/open space area to the west of the site and to the rear of properties to the north east corner of St Margaret's, along part of Sarahgate Lane with the site to the west side of Lane Farm.

3.2 The Environment Agency LiDAR data, on which the Flood Risk Assessment relies, sets out that the site is generally flat with ground levels between +3.0m OD and +3.2m OD. Data varies from record/lidar and 'actual' topographical surveys, do vary and 100-200mm variance in a site level can be seen from year to year or depending on cultivation/position on site. The Preliminary Drainage Strategy states that the topography of the site is generally flat, with the majority of the site ranging between 2.74 to 3.35m AOD. The site falls towards the northeast and north ditch before eventually all flows enter the north ditch. For the purposes of this application the levels of the site are taken from the Preliminary Drainage Strategy.

3.3 The site is located within Flood Zone 3, an area with a high probability of flooding, of the Environment Agency Flood Maps for Planning, however the Environment Agency Long Term Flood Risk maps show that the site has a medium risk of flooding (annual probability between 1% and 3.3%); the site has a very low risk of surface water flooding (annual probability less than 0.1%); and the site is not within an area at risk of reservoir flooding.

3.4 With regard to the wider St Margarets, from which this proposal is proposed to be served, the quality of the locality is very much defined by the large area of open space. The open space is surrounded on three sides by buildings fronting onto the space.

3.5 The site is outside the settlement boundary as set within the South East Lincolnshire Local Plan 2019 (SELLP), and this is discussed further below.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

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.

South East Lincolnshire Local Plan, March 2019

1 Spatial Strategy
2 Development Management
3 Design of New Development
4 Approach to Flood Risk
6 Developer Contributions
10 Meeting Assessed Housing Requirements
11 Distribution of New Housing
12 Reserve Sites
17 Providing a Mix of Housing
18 Affordable Housing
28 The Natural Environment
29 The Historic Environment
30 Pollution
31 Climate Change and Renewable and Low Carbon Energy
32 Community, Health and Well-being
33 Delivering a More Sustainable Transport Network
36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards
APPENDIX 8 Developer Contributions for Education Facilities
APPENDIX 9 Developer Contributions for Health Care Facilities

4.2 **National Guidance**

4.3 National Planning Policy Framework (NPPF), 2021

Sections -

2 Achieving sustainable development
4 Decision-making
5 Delivering a sufficient supply of homes
8 Promoting healthy and safe communities
9 Promoting sustainable transport
11 Making effective use of land
12 Achieving well-designed places
14 Meeting the challenge of climate change, flooding and coastal change
15 Conserving and enhancing the natural environment
16 Conserving and enhancing the historic environment

4.4 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H15-1039-17. OUTLINE. Residential development of up 34 dwellings - Resubmission of H15-0289-17. APPROVED 27-02-19.

5.2 H15-0289-17. OUTLINE. Residential development of up to 34 dwellings. REFUSED 20-06-17 for the following reason:

The Local Planning Authority considers that there are sequentially preferable sites in flood risk terms available around the village of Quadring, as identified in the emerging South East Lincolnshire Local Plan (Publication Version, March 2017). Notwithstanding the fact that the emerging Local Plan is yet to be adopted and that the Council cannot demonstrate a 5-year supply of deliverable housing sites, the presumption in favour of sustainable development is not considered to apply in this instance because there are sequentially preferable sites from a flood risk point of view available in the vicinity of Quadring. As such, the application is considered to be contrary to national guidance on flood risk, as contained in Section 10 of the National Planning Policy Framework, 2012, in particular paragraphs 100-101. These state that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

5.3 H15-0527-13 - permission renewal for the erection of 12 affordable dwellings and associated works APPROVED 01 October 13.

5.4 H15-0321-10 - full application for the erection of 12 affordable dwellings and associated works APPROVED 05 July 10.

6.0 REPRESENTATIONS

6.1 Ward Member

Cllr H Bingham - Requests this application go to Planning Committee. Due to design, density and the impact on surrounding properties.

6.2 Quadring Parish Council

Original Scheme

The Parish Council object to this application for the following reasons.
Over development of the site, density is completely out of place and would be classed high density even within a town setting let alone a small village.
Public open space in the development is unusable as it will be used for drainage.
Poor design and does not take the surrounding properties in to consideration.
Over looking of surrounding properties.
The entrance to the site is part of the village park which requires the Parish Council to be given 12 months written notification before release.
The entrance to the site goes by a unfenced play area causing possible risk to children playing or using the park.
The entrance will remove car parking spaces used by people using the park resulting in removal of all available spaces.
The site is not identified in the local plan and has been subject to numerous applications which have lapsed in the past.
No 106 contributions offered from such a dense development we do not believe is acceptable.

Revised Scheme

Development objected to by Parish Council.
Please clarify the position with regard to the use of St Margaret's Park for the development.

6.3 SHDC Housing Strategy

Should the development be permitted the current policy requires 25% of the development to be affordable housing described in Annex 2 of the National Planning Policy Framework dated July 2021, or any Planning Policy Statement Guidance Notes or Circular which may amend, supplement, or supersede this. From 28 June 2021, a home meeting the criteria of a First Home will also be considered to meet the definition of affordable housing for planning purposes.

First Homes should account for at least 25% of all affordable housing units delivered by developers through planning obligations. The new First Homes policy requirement does not apply for applications for full or outline planning permission where there has been significant pre-application engagement which are determined before 28 March 2022. Schemes which are delivered as 100% affordable housing are also exempt from the First Homes requirements.

The Planning Application indicated a proposed development of 36 homes The application will require a S106 agreement that secures 25% of the total number of dwellings as affordable housing. This equates to 9 affordable dwellings. The S106 agreement requires the applicant to submit an affordable housing scheme for approval detailing the tenure, mix, size, and location of the affordable housing.

Policy 18: Affordable Housing of the Local Plan indicates 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.

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.

The applicant's planning application indicates to 36 market homes. In November 2021 the applicant submitted two Viability Appraisals, one Without Affordable Housing Contribution and the other With Affordable Housing Contribution. The following affordable homes where indicated in the viability With Affordable Housing Contribution. 5 Affordable rent homes, 1 x 1 bed house, 2 x 2 bed house, 2 x 2 bed bungalow. 5 Intermediate - Shared ownership, 1 x 1 bed house, 2 x 2 bed bungalows,2 x 2 bed house. The applicant subsequently submitted viability assessment reports and revised viability assessment report July 2022.

Housing Strategy comments of November 2021 specified information from the Strategic Housing Market Assessment (2015& 2017 update) Housing Needs Assessment 2021 and Housing Register data indicate there is an evidenced need for additional affordable homes within Quadring and the wider South Holland district.

To meet local housing need and adhere to local and national policy the applicant should consider the S106 contribution to deliver an affordable housing mix for 9 affordable homes as set out below:-

6 Affordable Rented homes
3 x 1 bed house
1 x 2 bed bungalow
2 x 3 bed house

3 Intermediate Affordable Homes
First Homes
2 x 3 bed house
Shared ownership
1 x 2 bed house or bungalow

However, we appreciate the applicant has submitted viability information to the Council for independent testing. If it is demonstrated it is not viable to provide 25% affordable housing in line with National and Local Policy, Housing Strategy can provide a revised affordable housing mix.

It would be preferable for the homes to be built to the 'Nationally Described Space Standards' at 1 bed 2 person 2 storeys, 2 bed 4 person 2 storey and 3 bed 5 person 2 storeys, although this is encouraged but not a requirement of policy. I note from the sizes listed within the planning statement that none of the homes meet NDSS, but they do meet at least 85% of NDSS which is often a minimum requirement for Registered Providers (RPs). Local policy also encourages homes that are capable of adaptation over time so it would be useful to understand if any of the homes are proposed to meet either M42 or M43 standards. It would also be useful to understand if the homes are proposing any net zero carbon initiatives, again encouraged but not a policy requirement.

The applicant should also seek to secure a RP 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 applicant require this. The applicant and 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.

6.4 SHDC Environmental Protection

Noise - No objection.

Contamination - request the standard land contamination conditions be applied at this location.

6.5 SHDC Environmental Services

No response received.

6.6 LCC Local Highway and Lead Local Flood Authority

Original Scheme

ADDITIONAL INFORMATION REQUIRED

The principle of residential development on this site is acceptable in highway terms.

The submitted layout of the estate roads and the proposed arrangement for managing the surface water run off from the highway are also acceptable.

However I would like to raise again, the matter of the absence of any footway along the existing section of St. Margaret's. The part of St. Margaret's that provides access into the Application Site presently serves just four dwellings and the absence of a footway here is therefore not so much of a concern. The proposed development would however result in a significant increase in the number of vehicles using this section of road.

Whilst in drier times it may be reasonable for pedestrians to step off this section of carriageway onto the grassed play area when vehicles are passing, it would not be reasonable to do so during wet weather. The Applicants have presumably negotiated the acquisition of land in order to extend the roadway from the end of the public highway into the site so it does not seem unreasonable to insist that sufficient additional land is acquired to construct a footway between the end of the existing footway and the footways that are being shown to be being provided within the proposed development.

There also appears to be an opportunity within the red outline of the Application Site, to construct a footpath from the southern end of the proposed road, down the side of plot 14 and number 55a Main Road to link this end of the proposed development to Main Road.

The submitted details indicate that the ground levels within the site are to be raised a metre above existing ground levels. This can (and has in the past) lead to surface water from within a 'raised' development being cast onto adjacent land and property. The proposed development will be very close to existing properties on Main Road and St. Margaret's and it is therefore requested that measures, such as for instance 'French Drains', are installed around the periphery of the site to intercept any surface water that may be cast onto adjacent land and property and to discharge that water into the internal drainage system for the development.

The Lead Local Flood Authority would encourage the Applicants to take-up the Internal Drainage Board's offer of accepting the dedication of the existing riparian watercourse that is proposed to be utilised to connect the site's drainage into the Board Maintained watercourse, so that there is some surety that this watercourse will receive regular Maintenace.

Revised Scheme

No Objections.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that with the later amendments to the proposals for this development and subject to compliance with the Conditions and advice above, the proposed development would not be expected to have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application.

Requests that any permission given by the Local Planning Authority shall include conditions to ensure details of a Construction Management Plan and Method Statement and an Estate Road Phasing and Completion Plan, and an informative relating to engineering standards.

6.7 LCC Education Planning Manager

Request the mitigation set out below:

Primary none
Secondary at Donington Thomas Cowley High School - £67,965
Sixth-form - none

6.8 LCC Historic Environment Officer

No archaeological impact.

6.9 Welland and Deepings Internal Drainage Board

Original Scheme

Surface water from the site should be restricted to the Board's accepted Greenfield rate of 1.4 litres per second per hectare. The preliminary drainage strategy by Jackson Consulting Engineers states that SUDS will be used as a method of treating and attenuating surface water flow with a hydro brake restricting the flow off-site to a maximum of 1.5 litres per second. This flow is acceptable to the Board, in principle, conditional on a consent to discharge surface water application being made, agreement of technical details along with payment of the required development contribution. Based on the figures submitted, the total impervious area is 0.5829 ha (5,829 m2). At current rates a development contribution of £7,137.73 is required prior to connection to the Board's system.

Surface water outfalls should be kept as high as possible to reduce the duration of submergence during wet times. I note the drainage engineer has included calculations to represent a surcharged outfall.

When this site was submitted for outline planning permission it was commented that the Board's maintained watercourse known as Watergate Dyke currently finishes approximately 70 metres from the edge of the proposed development site's northern boundary.

To give the site a secure, maintained outfall for surface water the option was given for the Board to consider adoption of this current riparian section of drain up to the proposed discharge point from the site. This would be subject to the agreement with the developer and adjacent landowner but I would be prepared to put this to the Board for consideration if the developer so required.

Revised Scheme

The Board's offer of an option to consider adopting the riparian dyke that bounds the site to the north is still open if required.

This may, however, have byelaw implications for future maintenance which could affect some properties proposed on the northern boundary of the site, and a possible slight alteration of the site layout may be required. However, the benefits for the development site as a whole would be the knowledge that surface water has a secured, maintained outfall in the future.

6.10 Environment Agency

The proposed development will only meet the National Planning Policy Framework's (NPPF) requirements in relation to flood risk if the following planning condition is included:

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (ref: ECL0543/SEAGATE HOMES) dated August 2021 and the mitigation measures it details within 5.2 of the FRA.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development

Reason

To reduce the risk of flooding to the proposed development and future occupants.

Informative

- Flood resistance and resilience
We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

6.11 Anglian Water

Original Scheme

ASSETS

Section 1 - 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 SERVICES

Section 2 - Wastewater Treatment

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

Section 3 - Used Water Network

This response has been based on the following submitted documents: FRA August 21. 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.
(1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
(2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
(3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
(4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
(5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - 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.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments in the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Revised Scheme

Confirm comments remain the same.

6.12 NHS England

The above development is proposing 36 dwellings which, based on the average of 2.4 people per dwelling for South Holland District Council, would result in an increase in patient population of 86.

The calculations below show the likely impact of this new population in terms of number of additional consultation time required by clinicians. This is based on the Department of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.

The development will impact Gosberton Medical Centre, Swineshead Medical Group and Kirton Medical Centre as the development is within their catchment areas.

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 36 dwellings on Land Off St Margarets, Quadring to contribute to expansion in capacity through emodelling/changes to layout or extension to existing facilities at the Gosberton Medical Centre, Swineshead Medical Group and Kirton Medical Centre.

The contribution requested for the development is **£23,760 (£660 x 36 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.

In order to support the practice it is requested that the trigger point for the release for funds for health care be set at payment of all monies upon completion of 50% of the dwellings under this application. This will ensure the practices are not placed under undue pressure.

To ensure that there is sufficient time to 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.

6.13 Police Crime Prevention Design Advisor

No objection.

6.14 Lincolnshire Wildlife Trust

No response received.

6.15 Public

Original Scheme

Six objections received, summarised as follows:

Quadring Parish Council will need 1 years notice to vacate park (1973 agreement)
Density double SHDC guidance of 17 per hectare
Parking for users of park
Impact the safety of the children playing at the playground
Use of road alongside park with no footpath
Viability case - need contributions
Lack of services for more homes - GPs, dentists, schools, local businesses. No facilities for non-drivers ie encourages car usage
Traffic - noise, pollution, speeds, vibration
Disturbance during construction
Overlooking
Inadequate sewerage system
Lack of planning for a 5 year housing land supply
Not sustainable development - carbon emissions, poor waste disposal records (burning waste on site), use of heavy machinery (polluters)
Visual appearance
Antisocial behaviour
Need for fencing to Lane Farm roadway for safety reasons
Removal of greenspace enjoyed by residents
Agricultural covenant on that land that it can only be used for agricultural purposes

One comment received regarding provisions for Swifts.

Revised Scheme

Seven objections received, summarised as follows:

Development of agricultural land - increasing imports of food
Quadring this is a linear settlement and homes along main road enjoy green space or agricultural land behind Development would be out of character
Over development
One development too many for Quadring
Quadring has few amenities and services and too much large-scale development
Lack of infrastructure
Highway and pedestrian safety
Will need more parking per dwelling than planned
Will overwhelm the village - traffic, more dog walkers (and the resulting dog mess), poor water pressure, a very small primary school
New footpath to main road- verges will need maintaining
Drainage pit is within close area to a play area - need for fencing and buoyancy aid
Fence will be needed along the new road on the side of the park
Section 106 money should go to Quadring Parish Council for maintenance of the park
Loss of parking for the park
SHDC own where the road is indicated to go, and Quadring Parish Council will need 1 years notice to vacate
Trees/ shrubs in the corner of the park (where road will go) are not mentioned
There is no planning permission active on this site,; Site outside SHDC local plan
Question boundary of Plot 7 and a willow tree that is not shown on the plans
Reiteration of Overlooking, Inadequate sewerage system, Lack of planning for a 5 year housing land supply, not sustainable development - carbon emissions, poor waste disposal records (burning waste on site), use of heavy machinery (polluters)
Surface water flooding to adjoining land. Drainage shown not adequate
Ecology - bats roost and nest in trees. Hedgehogs in area

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 The main issues in this case are:
Principle of Development and sustainability
Viability and developer contributions
Layout and Design
Highway safety and parking
Impact of neighbouring Residents/land users
Flooding considerations
Foul and Surface Water Drainage
Impact on trees
Contaminated Land
Heritage considerations
Biodiversity and ecology

7.3 Principle of Development and sustainability

7.4 Policy 1: Spatial Strategy of the SELLP directs development to main and minor service centres, and other service centres and settlements where limited growth under specific circumstances would be allowed. The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.

7.5 Policy 1 is clear that "*In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits."*

7.6 Quadring is considered to be within the SELLP as a Minor Service Centre and an area of limited

development opportunity. The application site is outside the settlement boundary, as set by the SELLP and is thus designated as "countryside", however, at the time of submission of the application in October 2021 the outline consent set out above (H15-1039-17 refers) was still extant, and this is a planning consideration when looking at the future development of this site. H15-1039-17 was granted at a time when the Council could not prove a 5-year housing land supply, so the presumption in favour of sustainable development was engaged and planning permission was therefore granted.

7.7 As at 31 March 2022, the South Holland housing land supply is shown to be 5.9 years. In certain circumstances Local Planning Authorities are required to also add a buffer of 20%. South Holland passed the Government's Housing Delivery Test this year with 176%, and has passed the previous two years as well. We have not therefore, faced the three consequences associated with failing the test including having to apply a 20% buffer. However, we were placed in the buffer in 2018 and considering the historic under delivery of sites within South Holland, and the fact that there remains a substantial shortfall, despite rates improving, it is considered that the Council should apply a 20% buffer to the requirement.

7.8 Within the South Holland District Council 5-year Housing Land Supply Assessment (as at 31st March 2022), in order to look at delivery, certain major sites that benefitted from outline consent should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. The PPG (ID:68-007) indicates that *"such evidence, to demonstrate deliverability, may include:*

- current planning status - for example, on larger sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;
- firm progress being made towards the submission of an application - for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates;
-firm progress with site assessment work; or clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects."

7.9 At the time of publication of the Housing Land Supply Assessment, as the outline consent was no longer in place, this site was not included within the evidence of the Assessment and is therefore not relied upon in that report.

7.10 The loss of agricultural land and its removal from the production of food, thereby increasing food imports is a matter of strategic concern, and the SELLP sets out criteria for development witihn countryside areas. It is to be recognised however that at the time of the submission of this application there was an extant outline consent in place for the development of this land for housing; on balance it is considered that this is a material planning consideration.

7.11 Viability and developer contributions

7.12 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.

7.13 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.

7.14 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**. The independent review concludes that there is viability pressure on the application site, but that some level of policy contributions can be provided.

7.15 The CP Viability assessment concludes that the scheme would be viable with 5 affordable units (13.89%) plus a S106 'pot' of £68,000 (to be split as per the requirements of the Council).

7.16 As can be seen from the 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.

7.17 An 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 the evidence submitted and independently tested, and the current planning guidance from the Government relating to the provision of developer contributions at this current time.

7.18 In this instance, it is considered that an approach which prioritises the delivery of a varied package of developer contributions may be the most appropriate way forward.

7.19 The developer has made the offer to provide 6 affordable units and no other developer contributions, and the apportionment is ultimately a decision for the Planning Committee.

7.20 Layout and Design

7.21 The Preliminary Drainage Strategy states that the topography of the site is generally flat, with the majority of the site ranging between 2.74 to 3.35m AOD. The site falls towards the northeast and north ditch before eventually all flows enter the north ditch. For the purposes of this application the levels of the site are taken from the Preliminary Drainage Strategy and impacts are assessed accordingly.

7.22 The layout of this application has been revised since submission to take into account an additional landscaping plan and boundary treatments, site sections, additional parking bays and adjustments to provide more on plot parking to various plots. S106 plots identified as a result of the viability exercise.

7.23 The layout takes certain cues from St Margarets, although the application layout has a mix of bungalows, semis and detached dwellings. With a density of 34.9 dwellings per hectare, the proposal is of a higher density than St Margarets, where properties benefit from larger garden areas, as was the norm for that form of estate development, however the density is no greater than other schemes approved within the District. The recently approved scheme for 59 dwellings at Crossroads Nurseries, Main Road, Quadring has a density of 19.6 dwellings per hectare.

7.24 The scheme is shown to have refuse collection from dwelling frontages, as the road is to be adopted.

7.25 The layout has been revised since submission to provide on plot parking, as far as possible. The developer has chosen to amend the existing layout rather than to redesign the scheme, and on balance it is considered that the principle of the layout is adequate.

7.26 The application is supported by a Preliminary Drainage Strategy, which proposes a surface water strategy and foul sewerage arrangements, however this preliminary strategy states that a phase 1 or 2 ground investigation report is not available for this site currently, and the findings of this matter within that report are based on publicly available information only and that a full ground investigation would be undertaken prior to detailed design. This document also states that although the minimum recommended floor levels in the FRA are set at no lower than 3.800m AOD, and some of these floor levels need to be raised higher to allow for the drainage

solution.

7.27 This matter is addressed with regard to foul and surface water drainage below.

7.28 The design and fencing of the attenuation basin is a matter to be considered, and the details could be sought and controlled by condition. Similarly, for safety and security reasons the boundary arrangements to Lane Farm would need to be controlled.

7.29 Highway safety and parking

7.30 The scheme has been revised since submission to show a pedestrian footpath along the southern section of the entrance road where it meets St Margarets, to link to existing footways. It is to be noted that the concerns of LCC Highway Service, as set out above, have been resolved and LCC raise no objection to the current scheme.

7.31 It is considered that the quantum of parking and arrangements for parking are adequate, although there are plots that would not benefit from direct on-plot parking.

7.32 Impact of neighbouring Residents/land users

7.33 The existing properties in St Margarets benefit from comfortably sized gardens, typical of this form of development. The gardens to the key Main Road properties at 55a, 57 and 59 are significantly shorter. The scheme is designed to have a rear garden to rear garden relationship as far as possible with existing dwellings. Sections have been submitted that show typical levels and relationships to Main Road and indicate separation distances of 15.7m (Plot 9; bungalow to bungalow) and between 27.3m to 21.5 m (Plots 11 and 13; two storey to two storey). These sections show the need for typical fence heights to be circa 1 x 300mm concrete gravel boards with 1.8 m and 2.0m high timber fencing above, to remove the likelihood of ground floor to ground floor overlooking.

7.34 With regard to dwelling-to-dwelling separation distances, SHDC does not have recommended separation standards. As assessment has been made of the separation distances and relationships between existing and proposed dwellings and on balance it is considered that the relationships are adequate.

7.35 At the entrance to the site plot 1 is proposed to be side to side with 43 St Margarets Plot 32, which would back on to No.30 St Margarets has been angled to not result in direct overlooking.

7.36 Plot 31, would be side on to the Lane Farm complex of buildings and a condition is recommended to ensure that for health and safety reasons the details of the boundary fencing and/or hedging is submitted and agreed by condition.

7.37 As stated within the Preliminary Drainage Assessment, most sites have to be raised in this area of development to protect against the flood zone flood risk from the site, and this site is no exception with the FFL's requiring being raised by up to a metre above existing ground levels, with the FFL's in places being raised event further to allow for a gravity drainage solution. This will mean that the finished floor levels are up to a metre higher than the existing FFL's.

7.38 It is considered that on balance the relationship of the development to adjoining properties could be acceptable and could accord with the provision of Polices 2 and 3 of the SELLP in this regard, however the heights of garden levels and fencing would be critical, and this is recommended to be controlled via condition; the sections submitted and the finished floor levels shown within the Preliminary Drainage Assessment coincide and it is recommended that finished floor levels are tied by condition to this submission, given that it is on this basis that impacts have been assessed.

7.39 It is recommended that the permitted development rights for Plots 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 32 and 33 are removed, in order that uncontrolled extensions or alterations do not impact upon the amenity of adjoining residents.

7.40 Flooding considerations

7.41 The site is located within Flood Zone 3, an area with a high probability of flooding, of the Environment Agency Flood Maps for Planning, however the Environment Agency Long Term Flood Risk maps show that the site has a medium risk of flooding (annual probability between 1% and 3.3%); the site has a very low risk of surface water flooding (annual probability less than 0.1%); and the site is not within an area at risk of reservoir flooding.

7.42 The PPG Flood Risk and Coastal Change categorises different types of uses and development according to their vulnerability to flood risk. The proposed development is covered by the description of buildings used for dwellings and is classified as 'More Vulnerable'. The PPG Flood Risk and Coastal Change sets out Flood Risk Vulnerability and flood zone 'compatibility'. The site is in Flood Zone 3 and the development is 'More Vulnerable' therefore it is necessary to complete the Exception Test.

7.43 The NPPF requires the application of a Sequential Test to ensure that new development is in areas with the lowest probability of flooding. The Exception Test is a method to demonstrate and help ensure that flood risk to people and property will be managed, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

7.44 The South East Lincolnshire Level 1 and Level 2 Strategic Flood Risk Assessment (SFRA) was prepared in June 2017. The SFRA states that it is necessary to use the refined flood risk information (hazard and depth maps) to assist with the application of the sequential test. The refined flood risk information contained within the SFRA demonstrates the site is not at risk during the 1% fluvial event and 0.5% tidal event. The site therefore has a low probability of flooding and is considered to pass the Sequential Test.

7.45 The Exception Test requires consideration of the wider sustainability benefits of a development and that the development would be safe and residual risks managed.

7.46 The Local Plan has a target of a net increase of at least 11,681 dwellings in South Holland over the 25-year local plan period. The Plan considers this new housing is required to ensure the sustainability of the Local Plan area. The proposed development will contribute to this target, however it is to be noted that at present the District benefits from a housing land supply of greater than 5 years.

7.47 A Flood Risk Assessment accompanies the application. This demonstrates that the proposed properties can be suitably protected against the risk of flooding. Flood Risk Assessment describes the flood mitigation measures and the management of the residual risks, demonstrating that this development will be safe and not increase flood risk elsewhere. The applicant considers that the development would pass the Exception Test.

7.48 Foul and Surface Water Drainage

7.49 As mentioned above, the Preliminary Drainage Strategy set out that a phase 1 or 2 ground investigation report is not available for this site currently, and the findings of this preliminary strategy are based on publicly available information. A full ground investigation will be undertaken prior to detailed design.

7.50 It is proposed that the main road running through the site and the main drainage will be put forward for adoption under a section 38 and section 104 agreement with Lincolnshire County Council and Anglian Water respectively. Because the site is flat and depths to both the surface and foul water outfalls are limited, parts of the drainage will be laid in private gardens (and remain private in places) to ensure the design solution is viable, especially in respect to gradient and cover depths of existing pipes.

7.51 For the purposes of flood avoidance, the minimum recommended floor levels in the FRA are set at no lower than 3.800m AOD. It is also recognised that some of these floor levels need to be raised higher to allow for the drainage solution.

7.52 Infiltration results are currently not available but giving to the underlying clay and anticipated high water tables, it is assumed that infiltration is generally unsuitable for the site, although it could potentially be used in limited capacities.

7.53 There are no identified surface water sewers in the vicinity of the site. A discussion between the developer and LCC has taken place regarding existing highways gullies which are located in proximity to the proposed development. These gullies are known to be blocked and the outfall is unknown. The applicant's submission states that as a watercourse connection is viable, then there is no need for a surface water sewer to be considered.

7.54 The start of the entrance road cannot be included within the proposed drainage system as the levels would not allow this to happen. This area would be drained via. a shallow side swale, with the water discharging into the existing top strata and topsoil. The proposed area to be drained is approximately 220m2, which includes the swale area. The existing road drains in this fashion, and as the water will be directed towards the existing public open space in St Margarets, and any flooding would be confined to a small volume, dispersed over a large area, giving shallow water depths, or result in 'soggy' ground. This strategy had tentatively been discussed with LCC. From a planning perspective however, the use of the existing public open space would be compromised at certain times as a result of this arrangement and it this is considered to be far from ideal, given the use of the open space for play and recreation. It is considered that this element of the scheme should be redesigned.

7.55 The system has been designed so that there is no above ground flooding for the 1 in 30-year event and all flooding up to and including the 1 in 100 year + 40% climate change event is contained within the site. The calculations demonstrate that the 1 in 30-year storm event is stored below ground. For the 1 in 100-year + 40% climate change event, there is some minor flooding - a total of approximately 6m3 located in rear gardens - this would easily dissipate into the surrounding area, or within the private, unmodelled drainage pipes.

7.56 Most of the main drainage is proposed to be put forward for adoption to Anglian Water. Some of the private drainage will remain private as they will not meet the criteria for adoption.

7.57 With regard to surcharged outfall, during storm events, it is unknown if the water in the existing watercourse network will surcharge the outfall device, which needs to be considered.

7.58 The preliminary system has been designed so that there is no above ground flooding for the 1 in 30-year event and all flooding up to and including the 1 in 100 year + 40% climate change event is contained within the site; presumably save for the entrance road arrangements, mentioned above. The applicant's calculations demonstrate that the 1 in 30-year storm event is stored below ground. For the 1 in 100-year + 40% climate change event, there is some minor flooding - a total of approximately 6m3 located in rear gardens - this is expected to dissipate into the surrounding area, or within the private, unmodelled drainage pipes.

7.59 For the reasons set out above it is recommended that notwithstanding this document, a condition is recommended to seek full details of surface water drainage be submitted and approved PRIOR to the development commencing.

7.60 The site would need to be served by foul drainage, and it is proposed that the main foul water sewers would be adopted by Anglian Water. Similar to the surface water, parts of the foul drainage would need to be positioned in private areas as they will not meet the criteria for adoption.

7.61 There is an existing Anglian Water connection point located at the junction of Sarah Gate and Main Road, manhole reference 8905, and it is proposed that the site would connect into the sewer just downstream of this manhole - subject to confirmed suitable levels. An easement would need to be offered for the adopted foul drainage sewer where it passes through the non-adopted highway and the position of the connection ensure this would not be across third party land.

7.62 The preliminary report states that it is not expected that the proposals will cause any capacity issues for the existing sewer, and even if they do, Anglian Water would be required to upgrade their system to provide capacity. An application would be submitted to Anglian Water at detailed

design stage, and upon receiving full planning permission.

7.63 Similar to the surface water arrangements, for the reasons set out above it is recommended that notwithstanding this document, a condition is recommended to seek full details of foul drainage be submitted and approved PRIOR to the development commencing.

7.64 Impact on trees

7.65 There are few trees on the existing site, however one Willow has been identified overlapping the boundary with plot 6, and amended plan submitted showing the retention of this tree.

Contaminated Land

7.66 The SHDC Environmental Protection Team has requested that the standard pre commencement land contamination conditions be applied at this location.

7.67 Heritage considerations

7.68 No issues of archaeological impact have been identified and no conditions are recommended.

7.69 Biodiversity and ecology

7.70 The development proposal would be required to demonstrate a biodiversity uplift, and for this reason a condition is recommended to seek submission and approval of such detailing, in accordance with Policy 28 of the SELLP. Also, as the national requirement for a specific level of biodiversity uplift comes shortly in to play, an informative drawing attention to this is also suggested.

7.71 Other matters

7.72 It has been highlighted that Quadring Parish Council would need 1 years notice to vacate park, and this is an estates and contract arrangement that would not impinge upon the planning consideration of this application. Similarly, and control SHDC has over the access point is not a relevant planning concern but is a land ownership matter.

7.73 Antisocial behaviour has been raised as a concern; however, no specifics have been set out.

7.74 The removal of greenspace currently enjoyed by residents as a visual amenity in this case is not a planning matter, as there is no right per se, to a view over agricultural or other open land.

7.75 Any agricultural covenant on that land that it can only be used for agricultural purposes would be a civil matter and not a matter for consideration regarding this application.

7.76 Planning Balance

7.77 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.

7.78 The principle of residential development on this site had been established by virtue of the outline consent that was extant at the time of the submission of this application. It is considered on balance that the proposal would not materially harm the character or appearance of the locality or amenity of nearby residents, and flood risk and drainage matters could be appropriately addressed by condition. Notwithstanding the concerns that have been raised relating to highway matters and other matters by members of the public, 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.

7.79 After careful weighting of the various matters set out above, it is considered that the planning balance is in favour of the proposal.

7.80 Conclusion

7.81 On balance, to grant permission subject to those conditions listed at Section 9.0 of this report and a S106 Legal Agreement to ensure delivery of the contributions set out above.

7.82 **Additional Considerations**

7.83 Public Sector Equality Duty

7.84 In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.85 Human Rights

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

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

8.0 RECOMMENDATIONS

8.1 **Grant Permission subject to those conditions listed at Section 9.0 of this report and a S106 Legal Agreement to ensure delivery of the contributions set out above.**

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 documents:

Application Form
Design and Access Statement & Planning Statement. Mike Sibthorp Planning. July 2021
Flood Risk Assessment. ELLINGHAM CONSULTING LTD. FINAL REPORT. ECL0543/Seagate Homes August 2021
Preliminary Drainage Strategy. Jackson Consulting Engineers. 077-REP-3000 Revision 01. 03/09/2021
VIABILITY ASSESSMENT. A SUMMARY REPORT November 2021
Appraisal with Affordable & Contributions. EPS 1 - LP. Rev 1 07.5.2021
Appraisal without Affordable & Contributions. EPS 1 - LP. Rev 1 07.5.21
SMQ-SH-LP-AR-02
AS2513/1
SMQ-SH-SL-AR-01C
HT- Alnwick 01
HT- Hylton 01
HT- Ludlow 01
HT- Richmond 01
HT11-01
HT-13-01
HT-19-01
HT-27-01
HT-53-01
SMQ-SH-SS-AR-03
SMQ-SH-SL-AR-04 A

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

3. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (ELLINGHAM CONSULTING LTD. FINAL REPORT. ECL0543/Seagate Homes August 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:

- the finished floor levels shall be 0.3m above ground level and no lower than 3.800m AOD;
- flood resilient construction above finished floor level to mitigate against the risk of flooding during the lifetime of the development.

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.

4. The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and measures to manage the drainage of the site during the construction stage of the proposed development. It shall include;

- the phasing of the development to include access construction;
- the on-site parking of all vehicles of site operatives and visitors;
- the on-site loading and unloading of all plant and materials;
- the on-site storage of all 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 (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

5. 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.

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

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

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

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

7. If contamination of land and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition 6 above and remediation is required, a full copy of a verification report shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation objectives and criteria has been fully met.

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

Reason: To ensure the satisfactory remediation of contaminated land and/or waters.
This Condition is imposed in accordance with Condition 30 of the South East Lincolnshire Local Plan, 2019.

8. The Finished Floor Levels shall accord with the details set out within the Preliminary Drainage Strategy. Jackson Consulting Engineers. 077-REP-3000 Revision 01. 03/09/2021.

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

Reason: To reduce the risk of flooding of the development and the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent development. These issues are integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

9. Before the commencement of the development hereby granted, full details of the proposed means of foul and surface water disposal, including all land levels shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

The Finished Floor Levels shall accord with the levels set within the Preliminary Drainage Strategy (Jackson Consulting Engineers. 077-REP-3000 Revision 01. 03/09/2021).

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

10. Prior to its installation, details of the proposed boundary treatments for all dwellings and the attenuation basin, 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.

The Finished Floor Levels shall accord with the levels set within the Preliminary Drainage Strategy (Jackson Consulting Engineers. 077-REP-3000 Revision 01. 03/09/2021).

Note: As levels are to be 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 and for reasons of health and safety to Lane Farm and to the attenuation basin.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

11. 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 oversite. 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.

12. The scheme of landscaping and tree planting shown on dwg. no. SMQ-SH-SL-AR-04 A shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

13. Details of publicly accessible open space and any outdoor play areas, including a biodiversity management plan for the site, showing a biodiversity uplift over the existing biodiversity on the site, 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 oversite. The management of these areas shall be carried out in accordance with the details so approved.

Public open space should include native wildflower seed and grass mixes and planting. These should be sourced from known local provenance and include native species of benefit to wildlife. These should be managed appropriately as wildflower areas. Interpretation may be needed to explain the management of the areas for wildlife.

Provision of more areas for insects, amphibians, reptiles and mammals could enhance the development further and can be incorporated at the design stage. This could include (but is not limited to) :

- log piles and retention of dead wood for insects;
- rock piles in sunny areas for reptiles;
- amphibian friendly gullies, drains and kerbs; these should be included if the area could support amphibians;
- management of amenity areas, grassland and banks for pollinator species;
- Hedgehog friendly fences.
- Suitable vandal proof interpretation could be included on site to explain the features provided and their importance for wildlife.

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.

14. Three swift nest bricks shall be incorporated within the external walls of the two storey 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.

15. Before the commencement of the development hereby permitted beyond oversite, the detailed design and location of all lighting to be provided to roads and footpaths within the development shall be submitted to and approved in writing by the Local Planning Authority and all lighting utilised in the development shall conform to the details so approved.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

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

Reason : To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

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

External boxes for gas and electricity supplies shall be expected to be located other than on the front elevation of dwellings. If this is not feasible on certain dwellings, then the external boxes for gas and electricity supplies shall be expected be ground mounted or finished in a colour to match as closely as possible the finish of the dwelling.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out to Plots 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 32 or 33.

i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
ii) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows.

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity, levels of residential amenity and the visual amenity and character of the area within which it is set.
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. This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated ***** and can only be implemented as a consequence of meeting the provisions of that Agreement

22. **Anglian Water Informatives**

(1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements

Environment Agency Informatives

Flood resistance and resilience

We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance.

The following documents may also be useful:

Government guidance on flood resilient construction
https://www.gov.uk/government/publications/flood-resilient-construction-of-newbuildings

CIRIA Code of Practice for property flood resilience
https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience_.aspx

British Standard 85500 - Flood resistant and resilient construction
https://shop.bsigroup.com/ProductDetail/?pid=000000000030299686

23. **LCC Highways Note**

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.

24. **Biodiversity Net Gain**

The applicant is reminded that legislation regarding Biodiversity Net Gain is shortly to be introduced nationally. Once the Environment Act (November 2021) is enacted the mandatory minimum of 10% BNG will apply to all Town and Country Planning Act (TCPA) applications which are not exempt. This may impact upon this development approval.

25. **Under the Wildlife and Countryside Act 1981 (as amended)** all birds, their nests and eggs are protected by law and it is an offence to damage or destroy the nest of any wild bird while it is in use or being built. In the event of query please contact Natural England at their Lincoln office on 03000 603900.

Bats are protected species under the Wildlife and Countryside Act 1981 (as amended) and in the event that bats are living in any cavities in the tree(s), or if they are discovered while the works are taking place please inform Natural England at their Lincoln office on 03000 603900 before works proceed.

26. This Notice does not override any prohibition or restriction imposed by or under any other enactment, for example the Wildlife and Countryside Act 1981(as amended), the Forestry Act 1967, Section 198 of The Town and Country Planning Act 1990 relating to Tree Preservation Orders, Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to trees in Conservation Areas, the Ancient Monuments, and Archaeological Areas Act 1979 or any other legal obligations or statutory provisions, nor does it override any contractual obligations including those of the landlord and tenant or under grant schemes where there may be a requirement to retain hedges.

Under the Wildlife and Countryside Act 1981 (as amended) all birds, their nests and eggs are protected by law and it is an offence to damage or destroy the nest of any wild bird while it is in use or being built. In the event of query please contact Natural England on Tel: 03000 603900.

27. Should unexpected contamination be discovered on the site at any time, the applicant is advised to contact the District Council's Environmental Protection department immediately.

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 (i) Seagate Homes Viability Assessment - Summary Report
(ii) Seagate Homes Appraisal with Affordable & Contributions
(iii) Seagate Homes Appraisal without Affordable & Contributions
(iv) Seagate Homes Response to Independent Viability Review

Appendix C (i) CP Viability Appraisal Assessment Report
(ii) CP Viability Development Appraisal
(iii) CP Viability, Revised Appraisal Assessment

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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