SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 04 September 2024**

(Author: **Maxine Simmons - Planning Officer)**

Purpose: **To consider Planning Application H16-0136-23**

Application Number:	H16-0136-23	**Date Received:**	09 February 2023
Application Type:	FULL		
Description:	Proposed residential development of 70 dwellings, including demolition of existing glass houses		
Location:	Ivanda Nursery Monks House Lane Spalding		
Applicant:	Seagate Homes	**Agent:**	Seagate Homes
Ward:	Spalding Wygate	**Ward Councillors:**	Cllr J B Whitbourn Cllr A J Spencer

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0136-23

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Requested to be referred to Committee by Chairman's Panel.

1.2 At Planning Committee on 7 February 2024 it was resolved to grant planning permission subject to conditions and enter into a Section 106 agreement for 25% affordable housing units (18 units), a transport contribution of £561,960 towards the SWRR Delivery Strategy, a NHS Health contribution of £42,200 and an Education contribution of £420,333 and an off-site contribution towards community facilities of £3500. This equates to a total of: £1,031,882 or S106 payments as well as affordable housing.

1.3 The Developer subsequently submitted viability information and this was independently tested by the Council's independent viability assessor, paid for by the developer.

1.4 The updated report considers the viability information.

2.0 PROPOSAL

2.1 The proposal is a full application for 70 dwellings, including demolition of existing glass houses & auxiliary buildings. The red line boundary of the site is next to Ivanda House, which has a garage and garden, which was part of the same geographical plot, but this has been separated from these proposals. The proposals have been amended from 76 dwellings originally.

3.0 SITE DESCRIPTION

3.1 The site is situated within the settlement boundary of Spalding, on the site of a former nursery. The Edward Drain forms the boundary of the southern part of the site. Internally, the site contains former greenhouse structures, grassland and trees, some of which are mature. Residential estates are situated to the north, south and east of the site, with the western boundary representing the edge of the urban area of Spalding. Being situated within the settlement boundary of Spalding means that the site is amongst the more sustainable locations within the district as a whole, where a range of more sustainable transport options would be available. Ivanda House exists on the site to the south west, which has a garden and concrete garage, now excluded from the red line boundary of the plan and not part of the consideration of this planning application, it is to be disposed of separately as a dwelling.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 5 - Meeting Physical Infrastructure and Service Needs
Policy 6 - Developer Contributions
Policy 10 - Meeting Assessed Housing Requirements
Policy 11 - Distribution of New Housing
Policy 15 - Vernatts Sustainable Urban Extension
Policy 18 - Affordable Housing
Policy 28 - The Natural Environment
Policy 29 - The Historic Environment
Policy 30 - Pollution
Policy 31 - Climate Change and Renewable and Low Carbon Energy
Policy 32 - Community, Health and Well-being
Policy 35 - Delivering the Spalding Transport Strategy
Policy 36 - Vehicle and Cycle Parking

APPENDIX 6 - Parking Standards
APPENDIX 8 - Developer Contributions for Educational Facilities
APPENDIX 9 - Developer Contributions for Health Care Facilities

Policy Inset Map 2

National Guidance

National Planning Policy Framework (NPPF), December 2023

Section 2 Achieving Sustainable Development
Section 5 Delivering a sufficient supply of homes
Section 6 Building a strong, competitive economy
Section 11 Making effective use of land
Section 12 Achieving well designed and beautiful places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment
Section 16 Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 There is no planning history to the site.

6.0 REPRESENTATIONS

6.1 Environment Agency

Suggest planning condition to control floor levels and flood resilient construction.

6.2 Anglian Water

Assets are affected and will need an adoption agreement.

In terms of waste water: The foul drainage from this development is in the catchment of Spalding Water Recycling Centre that will have available capacity for these flows.

In terms of the Used Water Network - 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.

Surface Water - 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.

6.3 IDB

Response dated 16th January 2024:

No objection subject to the following:

-The proposed knee rail fencing to prevent vehicles parking on the retained grassland is agreeable with the Board in principle, even where it sits just inside the 6m distance adjacent to the roadside as long as a 14 foot wide gate is installed within the fencing run and centralised directly opposite to the side road that runs to the bottom where Plots 23 & 24 face each other. (If this is unclear please contact me to clarify what we mean).
-The Board's preference for accessing the gate is to be able to have our own padlock placed upon either the gate itself or a security chain. If this is not favourable with the developer please contact us to discuss an alternative method.
-No trees are to be placed within the Board's 9m byelaw distance. This includes the strip between 9m and 6m.
-Trees placed over 9m from the top edge of Edward Road Dyke are acceptable from the Board's point of view.

Response dated 16th January 2024:

Objection:
-Additional tree planting and knee rail within 9m byelaw distance.

Response dated 19th July 2023:

Objection Withdrawn:
-Revised drainage strategy with its proposed surface water discharged restricted to a maximum flow of 30 litres per second is acceptable in principle subject to agreement of technical details, payment of application fee as well as payment of the development contribution sum all in advance of connection to the Board's system. Happy to withdraw objection.
-Relevant contribution is £32,224.92.

Response dated 2nd March 2023:

Objection:
-Surface water discharge rate of 90 litres per second in excess of Board's accepted

Greenhouse Rate
-No evidence of CCTV survey
-Use of SUDs should be considered as a first approach in dealing with Surface Water run off.
-Relaxation of the Board's 9m easement to 6m would be required for the fencing currently shown in line with adjacent development site.

Lead Local Flood Authority and Local Highway Authority

Response dated 24 June 2024

I write on behalf of Warren Peppard, Head of Development Management, LCC has provided its position on the S106 viability assessment. It is now for the LPA, as determining authority, to balance all matters relating to the planning application and consider whether the viability position is sustainable or not.

Should the LPA determine that the planning application be refused, then it will be for the LPA to manage any subsequent appeal.

Response dated 11 June

Lincolnshire County Council objects to the reduction in planning obligation asks, as necessary mitigation (Transport and Education) will be unable to be delivered, which result in a detrimental impact on both highway capacity and education provision.

Response dated 22 January 2024:

No objection subject to Section 106 Contributions

Proposal is a linear development and all issues have been resolved through the planning process. There will be no raised tables just a change in colour to act as a Traffic Calming measure. Refuse vehicles will reverse into the Cul-de-sacs for a short distance and pull out in a forward gear which is acceptable.

Access to the site already exists and is acceptable to accommodate the development. There are existing footways on Monks House Lane to current standards. No recorded injury accidents in the vicinity. Existing pedestrian connectivity is good. Highways does not consider proposal would result in a severe impact.

The Spalding Western Relief Road Delivery Strategy (SWRR) was approved by LCC on 7th January 2020, and is being delivered in phased sections. There is a delivery strategy setting out S106 contributions. Section 5 is a 1km length linking the B1356 Spalding Road with Section 4 of the scheme. The B1356 is the main route between Spalding and Pinchbeck, comprising a five-arm roundabout junction on the B3156 Spalding Road which will provide access to the SWRR, Enterprise Way and the Vernatt's Drain SUE. The junction will replace the existing priority-controlled junction located on Enterprise Way which currently has issues of traffic congestion during peak periods. At the western extent of the section, a three-arm signalised junction with associated pedestrian and cycle facilities will be provided for access into the Vernatt's SUE. The section will also include a three-span bridge over the Sleaford to Peterborough railway line. Section 5 S106 contributions have been calculated at £8,028 per unit. £8,028 per unit= £561,960 for 70 units.

Earlier Responses

The Local Highway Authority's preference would have been to have a vehicle link to Toridge Road, its removal is not sufficient cause to recommend refusal on highways grounds.

A discharge rate of a maximum of 30 litres per second was agreed designed on a submerged outfall basis. This is subject to the usual surface water discharge application being made, technical details being agreed with the Board and payment of the application fee and development contribution sum to the Internal Drainage Board.

6.4 Lincolnshire Wildlife Trust

28 February 2023 Response:

Holding objection until further ecological surveys are conducted. Biodiversity Net Gain should be incorporated into the design.

Survey took place on 4 November 2022 - not an appropriate time of year. Habitat Survey required.
Require evidence of how Biodiversity Net Gain will be delivered, ideally 10% with a 30 year management and monitoring plan.

They maintain their objection due to a lack of a Biodiversity Net Gain Biometric calculation being submitted.
Further responses from LWT:

LWT appreciate the existing biodiversity value of the site is low, so any enhancement measures will likely mitigate for any negative impacts the development will have on the ecology of the site and surrounding area. However, there is no biodiversity net gain submitted with the application meaning that the 10% gain requested by the trust has not been achieved.

LWT ask that the LPA condition that all new planting, namely any tree, hedge and grassland planting, be of native species and specially of local provenience. This measure would maximise both the biodiversity benefit and the success rate of the new planting. We also request that the suggested bird, hedgehog, bat and invertebrate habitat enhancement measures are conditioned by the LPA, along with conditions pertaining to the correct placement and management of these habitats. While the suggested use of hedgehog nest boxes is encouraging, we ask that hedgehog friendly fencing is also incorporated into the design of this development.

6.5 Police

No objections.

6.6 NHS

Requested a contribution of £660 per dwelling (£46,200 in total).

6.7 Building Control

Provision should be made for the width and the weight of a 18T Fire appliance.

6.8 SHDC Environmental Protection

Requests Construction Management Plan and standard contamination conditions.

Response dated 1 May 2024:

I have reviewed the Ground Engineering limited 'REPORT ON A PHASE 1 DESK STUDY IVANDA NURSERY MONKS HOUSE LANE SPALDING LINCOLNSHIRE Report Reference C15847' dated January 2023 and am in general agreement with the finings for site investigation. I therefore recommend that the standard land contamination conditions be applied to any permission grated, with part 1i omitted. (parts 1ii & 1iii to stay).

6.9 Lincolnshire Bat Group

Bat Survey is comprehensive. Photos 15 and 17 are mislabelled - they are arable. Bats are present in the area, needs consideration with habitat management.

6.10 LCC Education

Requested a contribution of £420,333 based on a formula based approach to be incorporated into the S106 agreement.

6.11 LCC Historic Environment Officer

The proposed development is in an area of high archaeological potential, within a multi period fenland landscape to the west of Spalding that is known to have been exploited during the Iron Age, Roman and medieval periods.
Site-specific information archaeological trial trench evaluation was requested to be carried out

prior to determination. Following discussions, pre-commencement conditions for trial trenching and reports were agreed as an alternative relating to evaluation and mitigation work due to the need for permitted demolition work.

6.12 Sir John Hayes MP

-Concerns about over development, design of site, outside to SELLP
-Loss of wildlife and habitats, multiple species found in area
-Security concerns, especially footpath from Edward Road along rear properties at The Chantry, will it be open to the public through to Monks House Lane
-Road connection will become a short cut for school traffic
-76 houses will increase traffic movements, parking concerns
-Refuse collection points should be discouraged
-Pressures on GP surgeries, dentists and school place concerns
-Design quality questioned
-Requests scheme is dealt with via planning committee

6.13 Former Councillor S Timewell

-Concerned about further development in future where new cul-de-sac could be opened up and lead to future housing. This should be discouraged due to traffic for Monks House Lane
-Concerned development is on a flood plain. Concerns about an open water drainage pool at the front of the properties, posing a drowning risk
-Concerns about demands on local infrastructure
-Request to make a contribution to a new community facility on the Monks House playing field
-Concerns about removal of well established trees, wants new trees to be planted

Second response: increased traffic, security issues, damage to wildlife habitats along the dykes. Suggests public consultation to discuss this.

6.14 Former Councillor A Cronin

-Queried if Edward Road dyke on the southern boundary is going to be filled in or left open as now
-Queried if there will be boundary fence or similar along the southern boundary, i.e. along the dyke?
-Queried if the grass verge along the southern border be protected to avoid it being used as parking?
-Queried if wildlife reports are being commissioned - there are bats in the greenhouses
-Noted that variety of other wildlife such as foxes exist in the area
-The grass verge will join with the existing green lane at the back of the existing properties at the end of Wygate Road is there any intention to open that as a through path as I believe the Wygate Road end is currently gated?
-Disappointed to see that it is proposed to have communal bin collection points in some areas of the development. I thought/hoped this was going to be discouraged due to the poor state these are left in.

6.15 Former Councillor R Gambba-Jones

-Site is not allocated in Local Plan, so is speculative. Design and Access Statement references more established and spacious development on southern site boundary, and refers to boring and uniform design of newer development by volume developer - applicant copies this.
-Not good design, same ugly design to the north.
-Road connection to existing development must be reconsidered. Offers risk of becoming shortcut for school traffic.
-Maintenance of green strip needs clarification for benefit of future and existing residents.
-Open space of low amenity, limited play value.
-S106 requested for nearby open space.
-Security risk concerns along boundary.
-Overall poor design, use of parking courts and parking areas not well related to their properties. Private drives, refuse collection points poor design.
-Requires changes to house types and addition of porches to improve development.

6.16 Public

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement.

Consultation responses during consultation between 11th and 26th January 2024:

-Solar panels not included on houses or car charger units
-Objections still stand, developer moving in right direction, still have concerns over extra cars, leading to 140 extra vehicles, very bad 2.45-3.15.
-Bungalows not considered in the development

Earlier consultation responses

51 comments were received (some were duplicated and some were submitted multiple times on similar points) raise some or all of the following points:

-Muntjac, bats, owls, grass snakes, sticklebacks, frogs, newts, badgers on site or in nearby gardens. Unclear what is happening to the drain and wildlife that lives in the drain. Concerns about impact on wildlife.
-Queries if there will be a footpath if open to the public between Monks House Lane and Edward Road. Security concerns.
-Traffic using Wygate Park to Monks House Lane concerns - increased volume. Concerns about traffic safety given proximity to Monks House School and cars parked down Monks House Lane and Pennygate at school times.
-Concerns about density.
-Traffic Parking and access problems. Toridge Road is unadopted, part of private estate. New residents will not be contributing to this. If proposed development connected at Toridge Road, new residents will need to pay towards maintenance. No requirement for the proposed estate to have a secondary connection.
-Main access onto Monks House Lane is much less congested, wider and suitable for increased traffic arising from the new development.
-Safety: Toridge Road is a narrow road not suitable for regularly passing traffic, suffers from insufficient parking, road is often blocked, large vehicles have to mount pavement. Toridge Road entirely unsuitable for increased traffic on grounds of safety.
-Drainage: maintenance fees for residents also includes drainage. By connecting Toridge Road to the development, surface water or foul water drainage running from the development will increase drainage to the estate. Drainage already a problem on the estate. Proposal will increase maintenance fees.
-Dyke - is to remain? Will it be closed? Will boarded up part of the dyke be opened up to Wygate Road - security concerns.
-What type of fencing will be around the Dyke? - security concerns.
-Query about IDB easement. Query about fencing around attenuation basin. Query about red line around site plan.
-Pollution concerns, traffic concerns. Parking on verges, parking on open space, query about primary and secondary open space, can it be used?
-Flood risk concerns.
-Concerns about bats and wildlife.
-Overlooking and privacy would be compromised.
-Ecological and Biodiversity is present in area. Felling almost all the trees. Trees provide small copses and are the only mature area of woodland within a wide area. They provide cover and habitat to a wide variety of birds and other wildlife including Bats, Sparrow Hawks, Crows, Green and Greater Spotted Woodpeckers, Chiff Chaff, Black Caps, Fieldfares, Herons, Little Egrets, Reed Buntings, Kingfishers- will suffer with tree clearance. Replanting token trees will not work.
-Mammals are in area - hedgehogs, deer, badgers, rodents.
-Rubbish in dyke concerns, public safety concerns.
-Wants land to be a park.
-Too many houses, overcrowding.
-Too little space in between Kier estate and new development.
-Lack of recreational space, esp play space and green space, will destroy wild zone.
-Mini roundabout needed.
-Concerned about how close houses are to Humber Drive. Does not want gardens to border their garden. Demands houses are kept at an appropriate distance from their garden.
-Unclear what mitigation for drainage for climate change has been made. What measures to prevent surface run off into Dyke.
-Removing trees increases flood risk. Maintenance concerns of Edward Dyke. Concerns of what will be done to increase conservation value of green strip.
-Closer proximity of houses on plots 64 and 65 than other properties such as 66 and 67 on the southern boundary. Some properties on Pilgrim's Way will be overlooked. Will experience noise

and disruption.
-Group D Goat Willow C2 - close to residents garden. Gives great deal of pleasure to family, provide wildlife habitat. Loss of trees significant detriment to environment, object to its removal.
-Site should be used to grow food.
-Proposed road connection is a critical danger. Inadequately planned.
-Excessive housing in a compact amount of land.
-Affects housing estates in close proximity.
-Will decrease play space.
-Pressure on infrastructure.
-Insane proposal.
-We will all be leaving Spalding - sad.
-Overdevelopment.
-Increased pedestrian flow.
-Will be 152 new children. School capacity concerns. Not allocated in Local Plan.
-Ivanda House used to grow vegetables.
-Loss of agricultural land.
-Ivanda Nursery was a sound financial condition according to Companies House accounts filing of 30 April 2022.
-Concerns in relation to capacity of school places.
-Amendment 4 is a step in the right direction with regards Amendment 4. Now the developer needs to reduce the number of dwellings. If you turn right onto Monk's House Lane you only travel a short distance to the junction with Derwent Way, if you turn left out of the development onto Monk's House Lane, you only travel a short distance to the junction (roundabout) with Meadway, this turns into Pennygate. This comes to a standstill twice a day. Development will add 152 cars to area. This is too many houses in a small area.
-Connection to foul sewer funning through under my property. Has a conditional survey been completed.
-Does not make adequate account of infrastructure which is to be shoehorned in. Not included in development plan.
-Does not want Goat willow removed.
-Neighbouring property wants to extend their boundary into the development site to extend to encase the Goat Willow so it is not removed.
-Happy to see amendments to the latest plans re: wildlife. Still not clear if there is going to be a fence erected along the boundary of this development to protect resident's property and for obvious environmental waste and safety reasons. Questions why only 6 species of birds. There is more wildlife visit it than 6 species.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 The main issues of this case are:

- Principle and Sustainability
- Design & Character and Appearance of the Area
- Impact Upon Residential Amenity and Land Use
- Biodiversity
- Impact on Trees
- Highway Matters
- Archaeology
- Flooding Considerations
- Planning Obligations and Viability

7.3 Evaluation

7.4 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

7.5 In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

7.6 The policies and provisions set out in the National Planning Policy Framework (NPPF) (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

7.7 The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

7.8 Principle and Sustainability

7.9 The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

7.10 Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

7.11 The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

7.12 The NPPF outlines, within Paragraph 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay and that land with permission is developed without unnecessary delay".

7.13 The site is within the defined settlement boundary of Spalding which is designated as a 'Sub-Regional Centre'. This is the most sustainable location of the district. The land previously contained commercial glasshouses, the remains of which are still present. Annex 2 of the NPPF provides a definition of Previously Developed Land as "Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure." It specifically excludes: land that is or was last occupied by agricultural buildings. Horticulture falls within the definition of Agriculture therefore the site is not Previously Developed Land.

7.14 As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan (SELLP) when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

7.15 Layout, Design & Consideration of Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

7.16 Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall

quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

7.17 Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

7.18 Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

7.19 These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

7.20 Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

7.21 The proposed development is envisaged as two-storey (with some house types having rooms in the roof in the form of dormers) arranged north of a central access road that does not link to the housing estate to the north except for pedestrian access. The overall plot shape is a relatively narrow rectangular piece of land, containing the Edward Dyke Drain along the southern boundary, and former glasshouses towards the northern central portion, now disused. This limits the potential layout of any residential development to essentially being linear in nature. Outside of the red line is one property and concrete garage, Ivanda House, on the South West of the site, now excluded from the red line of the site. Around the perimeter, there are a number of mature trees, providing a fairly thick boundary screen in the north west corner of the site. Other trees are scattered at intervals throughout the site.

7.22 The existence of the drain represents a further constraint to development given that it is an IDB requirement to maintain at least a 6 metre gap free of any physical development, and a 9 metre gap free of tree planting in order to allow the IDB to maintain the drain with their machinery. This includes the need to keep the area within the 6 metre zone free of fences or other structures, and the 9 metre zone free of trees associated with the drain; it needs to be kept open. As a result, the arrangement of the 70 houses is north of the 6 metre clearance area, in a sinuous but linear fashion. The residential development would occupy the approximate position of the former greenhouses.

7.23 The IDB objected to the most recently submitted plans as a result of tree planting within the 9 metre zone adjoining the drain. Drawing MHL-SH-PD-SL-1002 G shows various trees planted to the west of Ivanda House, to the south of the attenuation basin, and between plots 60 and 59. The IDB object to these trees due to the fact that long term they will interfere with their maintenance equipment. The trees were added in order to act as replacement trees being lost as part of the wider site, particularly trees in the north west corner. They are not required as part of proposals associated with Biodiversity Net Gain, as the main value in biodiversity terms is the grassland within the 6 metre zone adjacent to the Edward Drain. In order to resolve the issue raised by the IDB, Condition 8 is suggested to make it clear that notwithstanding the tree planting shown on MHL-SH-PD-SL-1002 G, this could not in reality be implemented as the IDB have byelaws which are separate from the planning system to prevent them being planted.

7.24 Condition 8 makes it clear that planting should not take place within 9 metres of the drain. In addition, any railings that are required for safety in relation to the attenuation basin, or

railings/boundary treatments needed in relation to preventing vehicles parking on the amenity space, together with associated landscaping, are controlled by Conditions 10 and 11 respectively. Any boundary treatments within 6 metres would need to allow access for the IDB machinery. It is considered that this resolves the IDB objection.

7.25 The amended plans show a reduction of 6 houses. Previously, the north west corner had a terrace of three properties, with a semi detached and detached house. Amended plans show the removal of one house from this location to allow retention of more trees in the vicinity. This has been supplemented with more tree planting along the frontage, although some of this is outside of the red line boundary.

7.26 Continuous banks of parking have been minimised in the amended plans and a further terraced property has been removed towards the centre of the site. The design of the highway has been changed so that the highway curves into the development closer to the houses to minimise the walking distances for depositing refuse.

7.27 Vehicular access to the residential development to the north is still restricted to pedestrian access only, allowing people to use Wygate Public Open Space and the nearby School.

7.28 In a response to improve the design of the development compared with previous iterations, the house types have been fundamentally re-designed. These are as follows: S430 V3 is a semi detached property with front gables and banded lintels over the windows. These have four bedrooms. S318V2 and S319 V2 incorporate a short front gable, canopy and bay windows and are three bedroom properties. S312 V1 has a central front gable weatherboarding with contrasting lighter brickwork, a central porch, a central staircase and are three bedroom properties.

7.29 Other three bedroomed semi-detached properties incorporate front porches (S303V4), weather boarded porches (S301V5), a hipped roof and doric style porch (S301 V4), whilst 2 bedroom semi-detached and terraced properties incorporate paired doors and decorative porches (S213 V3). Single bedroom houses (S153 V2) consist of semi detached properties with banded lintels and contrasting roof tiles, or hipped roofs arranged in a block of four as in house type S102. A number of properties incorporate single or double garages with hipped roofs. These house styles have been introduced specifically to improve the design and add interest and to address the issues previously raised in connection with the need to improve the design.

7.30 The site layout has been amended so that there are generally fewer terraced properties, with increased spacing between the blocks. At the front of the site, there are two sets of terraces and one detached house. Behind these are a semi-detached pair of properties in plots 6 and 7, with a detached property on plot 8, with single bedroom houses on plots 9-12, in line with the equivalent block to the north. Semi detached properties are repeated in plots 13-16, 18-23 with plot 17 being detached. Terraced dwellings are situated on plots 24-26, 23-25, 48-50 and 51-53.

7.31 Whilst in some cases neighbouring properties do face the development and have small gardens, it is not thought that the general arrangement of the layout would result in any significant adverse impacts upon neighbouring residential amenity. Given that the previous greenhouses occupied positions closer to where some of the houses are proposed, and those greenhouses formed continuous structures, the difference between greenhouses and gardens and their general position is similar, although the houses would be two-storey. It is considered that in general character and layout terms, the proposal is acceptable.

7.32 One neighbouring property on the north eastern part of the adjoining housing estate objected on the basis that goat willows were being removed on the other side of the boundary and as a result would suffer from loss of outlook and privacy. This related to a series of category C 'goat' willows, the position of which conflicted with the position of the proposed houses. The Tree Officer has stated that these are not worthy of retention. The agent has responded by including landscaping along the boundaries of plot 54 and along the 'T' junction to replace the Goat Willow that is being removed, but in a position along the boundary to provide screening for adjoining properties. In addition, a condition is suggested to ensure that no windows are inserted onto the flank boundaries of numbers 53 and 54 to protect residential amenity and any overlooking further. Other plots that are close to the boundary which are 'flank on' would also benefit from such a condition. It is considered therefore, that the landscaping mitigates the

impact upon neighbouring properties in this location.

7.33 The previous design incorporated a terrace at the front of the site which necessitated the partial removal of many of the frontage trees. Residents expressed strong concerns about the loss of trees at the front boundary (and in other locations throughout the site). The Tree Constraints Plan shows trees being removed in this area. The Tree Officer noted that trees in this location are not all worthy of retention and the group has been planted too tightly together to be of long term value. However, the amended plans reduce the number of dwellings in this location, and introduce 2 terraces and a detached property to give more room for the trees. The amended design allows more trees along the frontage to be retained. This does result in plot 5 potentially being exposed to post development pressure to fell further trees, however, but it is thought this is not severe enough to warrant refusal.

7.34 The layout plan does show compensatory tree planting for the loss of trees in this area adjacent to Ivanda House. However, the position of the 'extensive woodland planting' has attracted an objection from the IDB who would not allow planting in this location due to the need to maintain the Edward Road Dyke. It should not be assumed that trees will be planted here, and instead a condition in relation to landscaping to be determined at a later stage is suggested.

7.35 It is considered that the proposals in terms of design and character would not significantly adversely affect the appearance of the area, albeit recognising that design aspects are subjective to some degree.

7.36 The on site amenity space comprises a 6m strip adjacent to the Edward Road Dyke, which also is also the part of the site that has the most Biodiversity value, allowing the free movement of animals to travel freely along this area. This area has to be kept free of development for maintenance purposes but it can also be used as amenity space. This area will need to be managed appropriately in terms of both general management and in terms of biodiversity.

7.37 Some objectors have concerns in relation to the fact that the design is not 'planning for beauty'. However, the developers have specifically tried to address this in their latest amendments. It is recognised that this aspect is highly subjective. On balance, it is not considered that design is so poor as to be unduly out of character or out of keeping with the surrounding area. The materials would be controlled by condition. Overall it is not considered, on balance, in design terms that the proposal is unacceptable or contrary to Policy 2 of the SELLP.

7.38 Impact Upon Residential Amenity and Land Use

7.39 Paragraph 135 of the NPPF (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7.40 To support the Government's objective of significantly boosting the supply of homes, Paragraph 60 of the NPPF details that "it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay".

7.41 Policy 3 of the SELLP requires all development to create distinctive places, with inclusive design and layout, be sensitive to the landscape character, and take into account residential amenity.

The 6m maintenance gap adjoining the drain will protect properties to the south, acting as a buffer from development, whilst also providing Biodiversity Net Gain and amenity space. As a result these properties will not be significantly affected by the development in terms of loss of residential amenity.

7.42 One objection sought clarification about whether or not the 6m landscaping strip was to be fenced off, as a security measure for properties along the south. The layout plan does show a knee rail between the retained landscape buffer and the road, to prevent vehicles from parking on the amenity space. The detailed design of this would need to be approved by the IDB so that

it does not interfere with the maintenance of the drain. A condition associated with the need for boundary treatment conditions is therefore suggested. Boundary treatment along the southern boundary is to be maintained as existing. The area immediately adjacent to the drain needs to be kept free of fencing for both maintenance purposes and to allow the free movement of animals, acting as a wildlife corridor that need to remain open, in case mammals using the drain emerge from the drain and travel along the top, such as water voles.

7.43 Another objector suggested that newts use the drain periodically, if that is the case, fencing the area would restrict potential foraging in the grassland that is present. A further comment related to what the safeguards would be in relation to fly tipping if this area was to be kept open. As discussed in the Biodiversity section of this report - an ecological management plan would be required by condition and one of the issues that would need to be addressed is the management of the area to keep it free from litter and fly tipping for both a visual benefit and as a result of the need to protect biodiversity. It is not considered that refusing the scheme due to the lack of fencing around the Edward Drain to either prevent fly tipping, or as a result of security concerns from neighbouring properties to the south would be reasonable in planning terms.

7.44 The position of the dwellings along the north are arranged to generally mirror the locations of the existing neighbouring housing blocks so as not to cause significant loss of light or outlook to these properties. The number and scale of dwellings is not considered to be unacceptable for the proportions of the site overall.

7.45 As stated previously, plot 54 includes boundary landscaping, as a result of an objection associated with loss of light. A further protection against loss of privacy is suggested to not allow further windows to be inserted into plots 13, 23, 24, 35, 48, 53, and 54. These properties are 'flank on' to the boundary with residential properties to the north, and therefore this can be achieved without affecting future residents.

7.46 As a result of these safeguards, it is not considered that the proposals would adversely affect residential amenity or be in conflict with Policy 3 of the SELLP.

7.47 Biodiversity

7.48 Section 15 of the NPPF seeks to protect sites of biodiversity value, minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. Policy 28 of the SELLP seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and assess proposals directly or indirectly affecting these assets by assessing if the benefits of the proposal would outweigh the adverse impacts on the site and wider network of natural habitats. In addition, the policy seeks to promote biodiversity net gain in proposals by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserving or enhancing habitat to adapt to climate change.

7.49 The application has generated strong comments and objections from both the public and the Lincolnshire Wildlife Trust, reporting the presence of species and requests for updated habitats/ecological surveys. Reports of numerous species using the site, including the submission of videos of badgers within the site (which surveys did not pick up), one local resident sent in a picture of a newt, numerous bird species, invertebrates and bats. The original proposal included Ivanda House, which had a concrete garage within its curtilage. One local resident suspected that it contained a bat roost. Upon inspection, the habitat was not suitable for bats as it had single skin concrete walls and no evidence at all of bat activity. A further species survey confirmed that no bats were living in the garage. The resident reiterated that bats do use the site and are regularly seen in the locality. Ivanda House, including the garage, was subsequently removed from the red line boundary of the site. Amended species habitat assessments were requested and carried out (the original survey was also not undertaken at an appropriate time of year). The design has also been changed to benefit Biodiversity.

Local residents still questioned the amount of bird species found at the time of the updated surveys and the Lincolnshire Wildlife Trust expressed further concerns in relation to the site, including an absence of a Biodiversity Net Gain calculation. One resident also forwarded videos

of Badgers using the site on two video clips. However, it needs to be made clear that no badger sets have been found on site.

7.50 The agent was asked to ensure that biodiversity net gain was a fundamental part of the design and amended plans. He responded to the concerns raised. A revised set of Landscaping, External Works and Ecological Layout plans have been produced which incorporates numerous wildlife friendly features including Bat boxes, Hedgehog boxes, House Sparrow, House Martin and Swift boxes, log piles, a sandy bank and a hedgehog highway scheme. These drawings were supported with an ecological management schedule. A Biodiversity Biometric was also produced. These can be controlled by condition.

7.51 A key feature in biodiversity terms that was found on the site was the grassland that had established close to the Edward Drain. The Tree Officer considers the main value of the site for nature conservation is its grassland adjoining the drain. During the site inspection vast numbers of butterflies were observed such as small skippers, meadow browns and hedge browns; with the occasional red admiral and peacock were present together with many species of grasshopper/cricket, dragonflies and damselflies. She considered it important to retain this vibrant ecosystem alongside the proposed development. Because there is a requirement for a 6m easement strip adjacent to the drain (and a further 9m strip where only limited development and no tree planting can take place) which runs along the southern boundary Edward Road Dyke, this could be retained as a biodiversity net gain feature. It was suggested that the grassland required for the easement strip be protected during construction with temporary fencing, thereby retaining a section of the existing ecosystem largely untouched. This would allow the fauna to continue their various life cycles.

7.52 Once the development was complete the grassland could be managed to ensure that the grass is maintained at multiple heights in a rotation, with areas of the highest grass being kept adjacent to the drain side. 'Swirls/scallops' of grass should be allowed to reach a height to set seed, before being mowed where appropriate at the end of the season, with some areas being allowed to over winter to ensure that butterflies such as the small skipper whose newly hatched caterpillars spin cocoons inside the stem sheaths of the grass known as Yorkshire Fog (Holcus lanatus) can hibernate through the winter. The grass sward could be supplemented with nectar rich wild flowers such as black knapweed (Centaurea nigra), and common birdsfoot trefoil (Lotus corniculatus). The retention of the 6m strip also ensures that the IDB can maintain the drain.

7.53 This, together with details of a wider landscaping scheme which can be secured by condition, is considered to be adequate to demonstrate the required Biodiversity Net Gain. It is not considered, therefore, that the proposal conflicts with Policy 28 of the SELLP.

7.54 Impact on Trees

7.55 Many objectors raise issues with the loss of trees, and cite particular examples suggesting that development should not be granted due to tree loss.

7.56 The Tree Officer has visited the site and examined which trees are worthy of retention and which can be removed.

7.57 The layout necessitates the removal of a copse of trees in the north west corner of the site, some of which do form a boundary to the site and are visible in the street scene. It is correct that they create a strong green framed boundary to the site and they are substantial in size at present. There is also a prominent tree close to the front boundary, in front of Ivanda House, which has been removed from the application site. Many objectors objected to any trees being removed from the site. The Tree Officer confirmed the trees in the north west corner had not been managed correctly and were planted too close together originally. Many had been cut so that they re-grew to produce multiple stems which had weakened their structures. Many were stunted and had poor form. Some had dieback due to loss of light. Most were not worthy of retention apart from a number of Hazel, a Holly, and a Norway Spruce. It is acknowledged that objectors are concerned with tree loss, but in terms of this group, The Tree Officer considers the copse overall is not of sufficient quality to retain. However, changes to the layout of the scheme will now ensure that some of the more valuable trees in the group can be retained, so some of the frontage screening can be retained.

7.58 Concerns were expressed in relation to the loss of the group of good quality trees in the vicinity of the eastern boundary of the garden of Ivanda House. Most of these are being retained, which include a Horse chestnut, a Beech, a Deodar, a Plum and an Apple. The development has no impact on these subject to protective fencing during construction, which can be controlled via condition.

7.59 It has been noted that several objectors wanted to retain various groups of Sallows, particularly in the north east corner. The Tree Officer notes that if kept in domestic situations these require regular pollarding to prevent branches from splitting, they also split naturally and form new trees, and as a result, are a poor type of tree to retain within residential gardens. They are not worthy of retention. The revised layout shows these being replaced to protect the privacy of neighbours in this location, mainly along plot 54.

7.60 Whilst it is acknowledged that trees will be lost in places, overall, the impact on trees which are of sufficient quality to retain is not considered significant enough to justify refusal.

Highway Matters

7.61 Section 9 of the NPPF specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the NPPF advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

7.62 Within this context, development should give priority first to pedestrian and cycle movements, facilitate access to high quality public transport, address the needs of people with disabilities and reduced mobility in relation to all modes of transport, safe, secure and attractive places, allow for efficient delivery and access for emergency services, and be designed to enable and encourage ultra-low emission vehicles in safe, accessible and convenient locations. Policy 36 of the SELLP states that all new development should provide vehicle and cycle parking in accordance with the minimum Parking Standards adopted by the Local Planning Authorities (Appendix 6).

7.63 Objections were received concerning increased traffic movements and the impacts on infrastructure, which are acknowledged. Many of the comments objecting to traffic and parking concerns related to the original scheme which linked the highway to the estate to the north. This was amended to be a footpath link only. Therefore traffic will now not be able to cut through to the development to the north, with cars entering and exiting from Monks House Lane. This will prevent 'rat-running' into the estate to the north. There are a number of objectors that still object to the scheme in principle due to the busy nature of the surrounding area, particularly at key peak times.

7.64 Policy 35 of the SELLP relates to delivering the Spalding Transport Strategy and section B states that "In accordance with Policy 6, Policy 15 and Inset Map 2: Spalding and Pinchbeck, the following housing allocations and all developments for 11 or more dwellings, or which have a combined gross floor space of more than 1000 sqm granted planning permission on unallocated sites within the designated settlement boundaries for Spalding and Pinchbeck, will be subject to financial contributions. This part of the policy goes on to state the "Development proposals which do not include appropriate financial contributions to secure delivery of identified off-site traffic mitigation schemes will not be permitted."

7.65 The Local Highway Authority commented as follows:
Refuse vehicles will reverse into the Cul-de-sacs for a short distance and pull out in a forward gear which is acceptable. The Nursery site entrance had already been formed as a junction, with radii, visibility splays and tactiles from when Monks House Lane was altered to accommodate the south-bound traffic accruing from the large Wygate Park residential development. Monks House Lane joins Bourne Road on the west side of Spalding, via Wygate Park and Woolram Wygate, to Pinchbeck Road on the north side of Spalding.

7.66 The access to the site already exists and is acceptable to accommodate the development. There are existing footways to the site on Monks House Road and they are to current standards with a Tactile crossing in place. The site has an existing access to which there will be no changes and there are no recorded Personal Injury Accidents in the vicinity. The existing Pedestrian connectivity is good as is visibility.

7.67 There is no precise definition of "severe" with regards to NPPF Paragraph 115. Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:
·The highway network is over-capacity, usually for period extending beyond the peak hours
·The level of provision of alternative transport modes
·Whether the level of queuing on the network causes safety issues

7.68 In view of these criteria, the Highways and Lead Local Flood Authority did not consider that this proposal would result in a severe impact with regard to NPPF.

7.69 The Spalding Western Relief Road Delivery Strategy (SWRR) was approved by Lincolnshire County Council Executives on 7th January 2020, it sets out the delivery of the SWRR in phased sections with Section 5 being the first of these sections to be constructed. The SWRR Delivery Strategy sets out the proposed S106 contributions to the delivery of the whole SWRR scheme.

7.70 Section 5 comprises a circa 1km length of road linking the B1356 Spalding Road with Section 4 of the scheme. The B1356 Spalding Road is the main route between Spalding and Pinchbeck. The section will comprise a five-arm roundabout junction on the B3156 Spalding Road which will provide access to the SWRR, Enterprise Way and the Vernatt's Drain SUE. The junction will replace the existing priority-controlled junction located on Enterprise Way which currently has issues of traffic congestion during peak periods. At the western extent of the section, a three-arm signalised junction with associated pedestrian and cycle facilities will be provided for access into the Vernatt's SUE. The section will also include a three-span bridge over the Sleaford to Peterborough railway line.

7.71 Section S106 contributions were requested at £8,028 per unit, which equates to £561,960 for 70 units. This is in accordance with Policy 35, Policy 6 and Policy 15 of the SELLP. The Local Highway Authority also requested standard conditions and notes be added to the decision notice. On the 7 February 2024 Planning Committee resolved to grant planning permission subject to a S106 contribution and conditions the Local Highway Authority.

7.72 The proposal was considered at that time to conform with Appendix 6 in terms of car parking spaces and Policy 36 of the SELLP.

7.73 Consideration of the impacts of not providing the transport contribution are discussed in the 'Other Matters' section below.

7.74 Archaeology

7.75 The proposed development is in an area of high archaeological potential, within a multi period fenland landscape to the west of Spalding that is known to have been exploited during the Iron Age, Roman and medieval periods.

7.76 Directly to the the north of this site, an archaeological evaluation carried out of the Wygate Park residential development revealed a complex sequence of archaeological remains. This led to mitigation carried out in 2005 which excavated 6 hectares of archaeological remains. These dated from the late Iron Age, the Roman period to the 4th century, including several areas of settlement and a well-preserved salt production site, all sealed beneath later post-Roman marine silts.

7.77 It is considered highly likely that similar remains will extend into the area of the proposed development, particularly in the western part of the site. This is because features within the excavated late Iron Age and Roman settlement were seen to extend southwards in this direction beyond the limits of excavation, as did a former creek or paleochannel that would have been an important landscape feature in this period, and which may have provided transportation as well as the sea water needed for manufacturing salt.

7.78 There is a further extensive area of prehistoric and Roman settlement and field systems known from cropmark evidence to the southwest of the site on the other side of Monks House Lane. Further information was requested via site-specific information in the form of an archaeological trial trench evaluation prior to determination.

7.79 Discussions have taken place directly between the developer and Lincolnshire County Council and it has been agreed that a specific pre-commencement condition for archaeological investigation can be carried out to determine the archaeological value of the site.

7.80 It is not considered that the proposal would conflict with Policy 28 of the SELLP and that archaeological matters can be appropriately mitigated.

7.81 Flooding Considerations

7.82 Policy 4 of the SELLP relates to the approach to flood risk and details how development proposals will be determined, including sequential testing and other relevant considerations.

7.83 The site is in Flood Zone 3 and dwellings are classified as 'more vulnerable'. Large parts of South Holland are in Flood Zone 3, and therefore opportunities to develop at alternative sites with a lower flood risk are limited. The Environment Agency Flood Maps for Planning show the whole of Spalding in Flood Zone 3, including allocated sites. Spalding benefits from defences on the River Welland that provide protection during the 1% annual probability (1 in 100 chance each year) fluvial event and 0.5% annual probability (1 in 200 chance each year) tidal event including climate change. As a result of the defences of the River Welland, and the fact that it is a sustainable location, it is considered that the sequential and exception test is passed. During a breach of the defences the maximum flood depth at the site including an allowance for climate change is 0.25m.

7.84 The site is located within an Internal Drainage Board catchment and through the operation and maintenance of the pumping stations and the channel system the Board seeks to maintain a general standard capable of providing flood protection to agricultural land and developed areas of 1 in 20 and 1 in 100 years respectively. At the time of writing the IDB object to the proposals, however, it is anticipated that a condition limiting planting within the 9m easement of the Edward Drain and to control boundary treatment adjacent to the estate road to allow IDB access could resolve this objection via subsequent details being submitted to and approved by the Local Planning Authority via condition.

7.85 It is recommended that the floor levels of the dwellings are a minimum of 0.3m above ground level with 0.3m of flood resilient construction above finished floor levels.

7.86 Subject to a suitably worded condition it is considered that the scheme is not in conflict with Policy 4 of the SELLP.

7.87 Foul and Surface Water Drainage

7.88 Surface water is to be disposed of via a Sustainable Drainage System and an Existing Watercourse. Foul Sewage is to be disposed of via Mains sewer. The foul drainage from this development is in the catchment of Spalding Water Recycling Centre that will have available capacity for these flows and Anglian Water do not object to the proposals. These details are considered satisfactory.

7.89 Other Matters

Policy 5 of the SELLP relates to meeting physical infrastructure needs including schools. Policy 6 of the SELLP relates to major developments requiring developer contributions to mitigate their impacts upon infrastructure, services and the environment to ensure that such developments are acceptable in planning terms, secured through Section 106 agreements. Policy 6 makes it clear that contributions will be determined having regard to the viability of the proposed development.

It was previously reported that developer contributions for education facilities were requested by LCC Education in accordance with the requirements set out in Appendix 8: Developer Contributions for Educational Facilities (£420,333). A Section 106 request was made from the NHS to request £660 per dwelling (£46,200) to mitigate the impacts on health. A further S106 request of £561,960 has been made in relation to highway improvements associated with the SWRR road linking scheme.

7.90 Sport, open space and other green infrastructure requirements for developments are determined in accordance with Policy 32: Community Health and Well-being. Amenity space has been provided on site but due to the fact that this needs to be kept free of structures, it is not possible to provide on site children's play equipment. An off site contribution towards community facilities, with a potential contribution towards improving play facilities of the nearby Wygate play area was suggested.

7.91 Policy 18 of the SELLP relates to the need for affordable housing, with 25% of all major schemes requiring affordable housing provision. Housing mix should be 70% affordable rent, and 30% intermediate. Affordable rent may include social, intermediate, shared or starter homes, the details of which are related to need. On site provision is required. It was previously reported that the application would be required to provide 25% affordable housing in line with Policy 18, the detailed requirements of which would be incorporated into the Section 106 agreement.

7.92 Since this case was previously reported to Planning Committee, the developer has submitted viability information which was independently tested by the Council's independent viability assessor. CPV Viability's analysis is that the scheme could either:

a) Provide no Section 106 monies at all for either Transport, Health, Education and Community Facilities and provide two or three affordable housing units on site, or
b) Provide £225,000 in total for all Section 106 contributions with no affordable housing on site.

If choosing option b), there would need to be a decision about how the monetary amount should be apportioned - i.e. should it be put towards Transport, Education, Community Facilities or Health, or a combination of these. The Lead Local Highway Authority were asked for a view as to which Section 106 contribution they would prefer to contribute to, given that evidence concludes that £1,031,882 worth of contributions is not viable. They declined to express a preference and objected to the lack of a contribution; stating that it would be up to the Local Planning Authority to decide and also defend an appeal if refused. They confirmed that any appeal costs would not be shared.

7.93 CPV Viability suggested a 'clawback' mechanism in the S106 agreement, which means that once houses are being sold, viability can be revisited again, and if the economic situation changes, there is provision in the S106 agreement to claw back S106 monies that should have been delivered if the scheme can viably afford this. However, this has not been used in South Holland in recent years. Given that other S106 agreements do not use this mechanism it is not recommended to proceed with this.

7.94 CV Viability provided advice for Committee Members to be clear on the potential ramifications on refusing planning permission due to not providing the full amounts of Section 106 requirements. If refused and the application were to be decided at appeal, an Inspector would have 2 viability appraisals to work from as evidence when making a decision on viability (i) the applicant's own assessment, and (ii) the Council's independent assessment (i.e. the CPV Viability review).

7.95 The Inspector could side with the applicant's assessment (which concluded nothing could be viably afforded), or they could side with the conclusions of CPV Viability. An Inspector would also have the option to come up with a compromise in between these 2 parameters. However, it is extremely unlikely that a Planning Inspector would dismiss both these pieces of evidence and decide to retain the Council's full planning policies (as there would be effectively no evidence to justify this in viability terms). Planning Inspectors have to take an evidential approach to making decisions on viability and it is extremely unlikely (and would be unprecedented) for an Inspector to go against both the applicant and the Council's own viability conclusions. In a situation like this there is subsequently an extremely high risk of losing the appeal if the Council wants to retain its stance for the full planning policy asks and also a high risk of costs being awarded against the Council if that stance was attempted.

7.96 The agent states that they are able to access funding to deliver 17 affordable housing units on site by means of Homes England funding. They are then willing to contribute £225,000 towards contributions in addition to the 17 on site affordable units.

7.97 Planning Balance

7.98 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. To determine whether the proposal accords with the Local Plan it is necessary to undertake a planning balance exercise having regard to economic, social and environmental objectives.

7.99 In economic terms, future occupants of the houses are likely to work locally, support local services and therefore make a contribution to the local economy. There would be shorter term economic benefits associated with the construction of the dwellings and long term benefits of increased spends associated with the households living in this location. The economic benefits resulting from the proposal weigh in favour of the proposal.

In community terms, the proposal would make a contribution towards housing supply in one of the most sustainable locations in the district.. The site also makes use of a redundant site and represents an effective use of land.

7.100 In environmental terms, the site is within the defined settlement boundary and is within the most sustainable location in the district. The applicants have produced a revised layout for biodiversity improvements including various bird and bat bricks for multiple dwellings and a landscape scheme could provide biodiversity benefits by focusing upon retaining the grassland next to the Edward Drain. These factors weigh in favour of the proposal. The retention of mature trees weighs in favour of the proposal. The trees that are to be lost are not considered to be worthy of retention as confirmed by the Tree Officer. A condition requiring the installation of a package of biodiversity measures, including the use of bat and swift boxes, and native landscaping is thought to be sufficient to mitigate the impact upon biodiversity. This means the balance in terms of environmental issues marginally weighs in favour of the proposal.

7.101 Overall, the benefits of the proposal, on balance, outweigh any harm in the overall the planning balance and as such there is no material harm and no compelling reason to withhold planning permission.

7.102 **Additional Considerations**

Public Sector Equality Duty

7.103 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.

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

7.105 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.

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

Human Rights

7.107 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).

7.108 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.

7.109 Conclusion

7.110 The site is in a sustainable location. Developing the site will make a contribution towards housing supply within a sustainable location, at the top of the settlement hierarchy in sustainability terms.

7.111 The design is considered to have been improved with the latest amended plans, and, on balance, is not considered to be of sufficiently poor design to be significantly out of keeping and out of character with the surrounding residential development.

7.112 The landscaping and Biodiversity Net Gain aspects of the proposals are considered satisfactory and tree loss is considered necessary given that many are either Grade 'C' category trees or have been collectively managed to the point where their long term survival is not guaranteed.

7.113 The previous report recommended approval subject to financial contributions totalling £1,031,882 which included a £561,960 towards the SWRR Delivery Strategy, an NHS Health contribution of £42,200 and an Education contribution of £420,333, the viability shows that only a £225,000 contribution can be made or 2 or 3 affordable units..

7.114 Given that the agent has offered to provide 17 affordable units on site via Homes England funding (which is only payable if policy compliant affordable housing is not required via a S106 agreement), it is recommended that approval be granted subject to a Section 106 agreement that provides a £225,000 contribution in total for Section 106 items, with no requirement for affordable housing. It is suggested that the full NHS contribution is provided and the remainder provided to LCC, split between Education and a transport contribution. This would total £182,800 to LCC and would represent £91,400 for both Education and Transport.

8.0 RECOMMENDATIONS

8.1 Grant permission subject to the conditions listed at Section 9.0 of this report and the applicant entering into a s106 agreement for a transport contribution of £91,400 towards the SWRR Delivery Strategy, a health contribution of £46,200 to the NHS (£660 per dwelling), and an Education Contribution of £91,400.

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
5099.Monks.Seagate. TCP
Design and Access Statement by Mike Sibthorp Planning dated January 2023
Flood Risk Assessment ECL0883/SEAGATE HOMES by Ellingham Consulting Ltd dated
16170503-SEA-MONK-3D-TOPO Rev B
Protected Species Report November 2022
C15847
Preliminary Ecological Appraisal and Preliminary Roost Assessment - Hillier Ecology - May 2023
MHL-SH-PD-LP-1000 A
12556-WMS-ZZ-XX-D-C-39201-S8-P2
Surcharged Outfall FEH - Amendment 3
Non - Surcharged Outfall FEH - Amendment
12556-WMS-ZZ-XX-T-C-39201-S8-P2
Landscape and Biodiversity Management Plan
MHL-SH-LEWE-AR-1005 D
MHL-SH-LEWE-AR-1006 D
MHL-SH-LEWE-AR-1007 D
MHL-SH-PD-SL-1002 G
Garages - 01A
S102 - 01A
S153 V2 - 02
S213V3 - 01 (Terrace)
S213V3 - 01
HT-S301 V4
HT-S301 V5
S303V4 - 01
HT -S312 V2 - 01
S318V2 & S319V2 - 02
S306 V3 01
HT-S430 V3 - 01
HT-S430 V3 - 02

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 reference ECL0883/Seagate Homes dated November 2022 by Ellingham Consulting forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

-Finished floor levels shall be set at 0.3m above existing ground levels;

-Flood resilient and resistance measures to be incorporated into the development to a height of 300mm above finished floor levels.

Note: The above approved plan does not constitute final approval of detailed site levels or finished floor levels.

These measures detailed above 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 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.

4. Notwithstanding the submitted details before the commencement of the development hereby permitted, with the exception of demolition, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and amenity areas, including the relationship to proposed finished floor levels of the building, including any mitigation measures arising as a consequence (for example increased height of boundary treatment or flood mitigation requirements), 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: The submission shall be supported by cross-sectional drawings showing the relationship with adjoining sites, uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place and to ensure there are no adverse effects upon the amenity to nearby residential properties.

Reason: To reduce the risk of flooding, to take account of flood mitigation measures and to ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents, streetscape and its visual and architectural relationship with adjacent 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 Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

5. No development or demolition of structures below existing floor slab level shall take place until an archaeological Mitigation Strategy for the protection of archaeological remains is submitted to and approved by the Local Planning Authority. The Mitigation Strategy will include appropriate Written Schemes of Investigation for a trial trench evaluation and provision for further mitigation work as necessary. These schemes shall include the following:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work

The scheme of archaeological investigation must only be undertaken in accordance with the approved details.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019 and the National Planning Policy Framework.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

6. The archaeological site work must be undertaken only in full accordance with the approved Mitigation Strategy referred to in the above Condition. The applicant will notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019 and the National Planning Policy Framework.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

7. A report of the archaeologist's findings shall be submitted to the Local Planning Authority and the Historic Environment Record Officer at Lincolnshire County Council within 3 months of the archaeological works hereby approved being commenced, unless otherwise agreed in writing by the Local Planning Authority. The post-investigation assessment must be completed in accordance with the programme set out in the approved Written Scheme of Investigation and shall include provision for analysis, publication and dissemination of results and deposition of the archive being secured.

Reason: In order to ensure that satisfactory arrangements are made for the investigation, retrieval and recording of any possible archaeological remains on the site in accordance with the National Planning Policy Framework.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

8. Notwithstanding the knee rail and tree planting in close proximity to the 6m easement of the drain as shown on the layout plan reference MHL-SH-PD-SL-1002 G, no additional tree planting shall take place within 9m of the dyke brink to the southern boundary. The 6m strip of retained grassland to the southern boundary adjacent to the drain as shown on the layout plan reference MHL-SH-PD-SL-1002 G shall be kept free of development and tree planting within this area, and it shall be maintained as grassland thereafter.

Reason: To ensure the dyke can be adequately maintained in the interests of maintaining adequate surface water drainage and to ensure the integrity of the retained grassland preserves its biodiversity value.
This Condition is imposed in accordance with Policies 4 and 28 of the South East Lincolnshire Local Plan, 2019.

9. 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.

10. Notwithstanding the submitted details prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, including railings or other boundary treatments around the attenuation basin and adjoining the highway/estate road together with details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

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

Note: It should be noted that the Edward Drain shall not be fenced off. Any fencing installed on site shall respect the 6m easement adjacent to the Edward Drain. This area shall be kept free of any fencing.

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.

11. Notwithstanding the submitted details before the commencement of the development hereby permitted beyond oversite, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site, 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.

Additional tree planting shall not take place south of the 9m easement to the Edward Drain in line with Condition 8.

NOTE: The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 4 (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.

12. None of the existing trees on the site marked as being retained shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. If any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of existing trees on the site, in the interests of the visual amenity of the locality.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

13. Where trees are shown as being retained on site, together with the retained grassland within the 6m easement of the Edward Drain, they shall be protected during construction work as follows:

i) Chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees and retained grassland to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees, and adjacent to the retained grassland. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made,

ii) No burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained or within or adjacent to the retained grassland;

iii) No services shall be routed under the spread of the crowns of the trees to be retained, or under the retained grassland;

iv) No retained tree shall be cut down, up-rooted, destroyed, topped or lopped, and the grassland shall not be removed or altered unless first agreed in writing by the Local Planning Authority;

v) If any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

vi) Any part of the retained grassland that is removed or destroyed shall be replaced within six months thereafter with a species mix which shall first be agreed in writing by the Local Planning Authority.

Reason: To ensure the protection of trees and retained grassland on the site.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

14. The retained grassland, the bird boxes, bat boxes, log piles, Hedgehog Highway Scheme and other biodiversity enhancement features shown on the Landscaping, External Works and ecological layout plans references MHL-SH-LEWE-AR-1005 D, MHL-SH-LEWE-AR-1006 D, and MHL-SH-LEWE-AR-1007 D, shall be implemented prior to first occupation of the dwellings and retained thereafter for the lifetime of the development in accordance with the detailed Biodiversity Metric 4 calculations submitted as part of the development hereby approved.

Reason: In order to deliver biodiversity net gain on site.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

15. The development hereby permitted shall not be commenced, with the exception of demolition, 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:

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.

16. If contamination of land and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition 15 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.

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

Reason: To ensure that the site is adequately drained and to avoid pollution.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

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

Reason: To ensure that the site is adequately drained, 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.

19. 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 the means to manage the drainage of the site during the construction stage of the permitted development. It shall include;

·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;
·the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material and;
·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.

Reason: In the interests of residential amenity and the safety and free passage of those using the adjacent public highway during construction 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.

20. 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.

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.

21. 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), no walls, fences or other means of enclosure other than those illustrated on the plans forming part of the application hereby approved shall be erected on the site, including within 6m of the Edward Drain.

Reason: To ensure that the Local Planning Authority retains control over means of enclosure, in the interests of the appearance of the development and the visual amenity, character and biodiversity 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.

22. Other than those shown on the approved plans, no new windows, doors or rooflights shall be formed on the northern flank elevations, or on the roof slopes of the dwellings on plots: 13, 23, 24, 35, 48, 53, and 54, unless otherwise approved in writing by the Local Planning Authority.

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

23. No lighting (either temporary or permanent) shall be erected within the 6m easement of the Edward Drain, or erected on the southern external walls or within the external curtilage or on external fencing of plots 59-69 without the prior consent in writing by the Local Planning Authority.

Reason: In the interests of amenity and to ensure that lighting does not affect the retained grassland which has biodiversity value.
This Condition is imposed in accordance with Policies 2, 3, 28 and 30 of the South East Lincolnshire Local Plan, 2019.

24. Prior to the commencement of the development hereby permitted beyond oversite, a plan illustrating all areas of publicly accessible open space, that is to be managed in line with the Biodiversity Metric 4 calculations submitted as part of the development hereby approved, and in conjunction with conditions 11 and 14 and 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.

25. Before the commencement of development, with the exception of demolition, hereby permitted, details of the management and maintenance schedule for the areas of landscaping, in line with the Biodiversity Metric 4 calculations submitted as part of the development hereby approved, and in conjunction with conditions 11 and 14, including 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.

The retained landscaping strip as shown on plan MHL-SH-PD-SL-1002 G shall be maintained in for a period of 30 years post development as part of a Landscape and Ecological Management Plan in line with the Biodiversity Metric 4 calculations.

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.

26. Prior to the occupation of the development hereby permitted a cycle rack for each dwelling which does not have a garage (either wall mounted, sheffield stands or similar, or shared vertical cycle parking) shall be provided in positions which shall be approved in writing by the Local Planning Authority.

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

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

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

28. 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 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.

29. The development hereby permitted shall be undertaken in accordance with a strategy relating to precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development which shall first be approved in writing by the Local Planning Authority.

These facilities shall include the provision of wheel washing facilities and shall be made available before commencement of the construction of the development and be kept available and in full working order until 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.

30. 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 36 of the South East Lincolnshire Local Plan, 2019.

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

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.
This Condition is imposed in accordance with Policy 36 of the South East Lincolnshire Local Plan, 2019.

32. Highway Informative 02

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

33. Highway Informative 05

All roads within the development hereby permitted must be constructed to an acceptable engineering standard. 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. For guidance, please refer to https://www.lincolnshire.gov.uk

34. Highway Informative 08

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - https://www.lincolnshire.gov.uk/traffic-management

35. Comments from Anglian Water

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

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.

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.

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.

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

36. 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.

37. 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

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Background papers:- Planning Application Working File

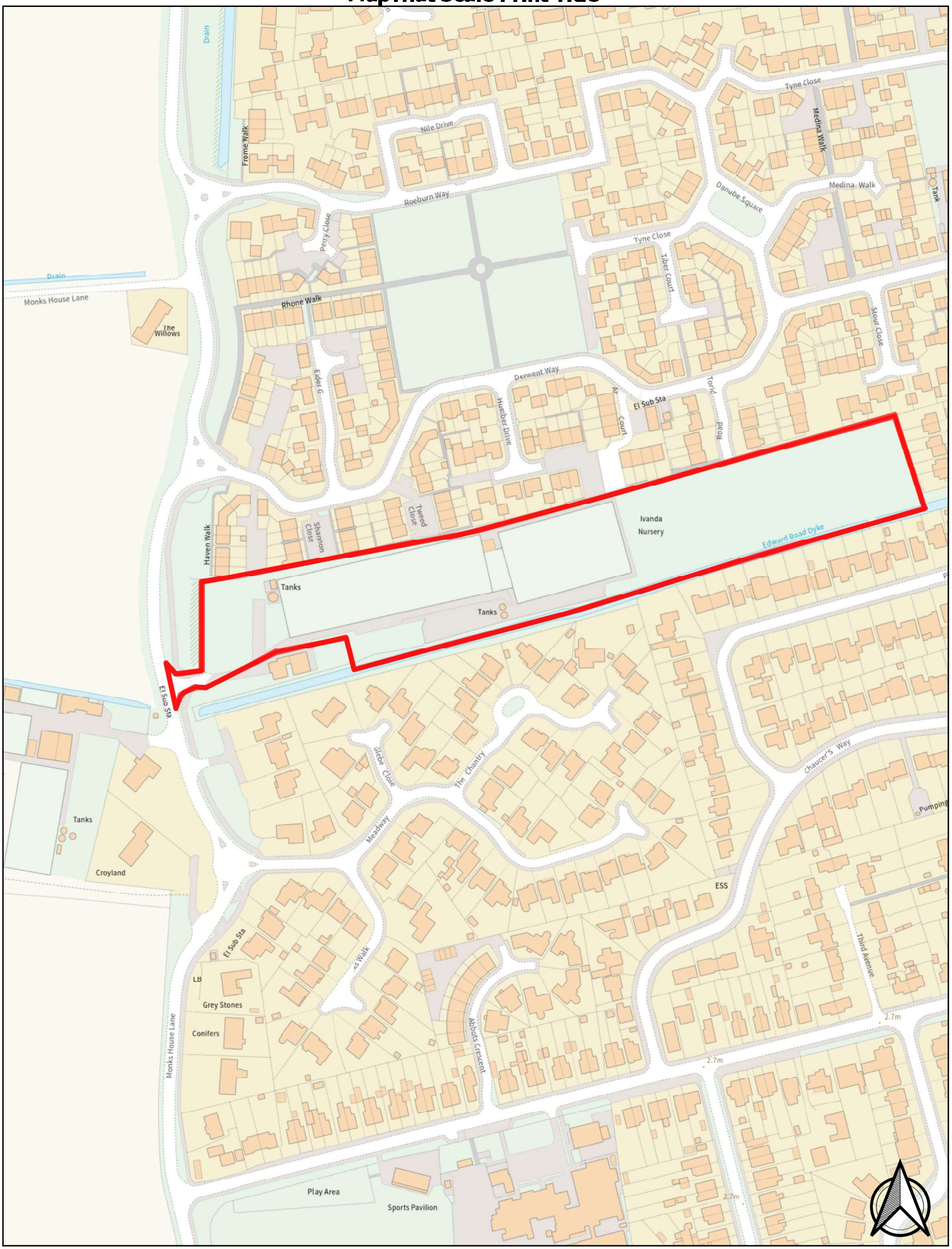
Lead Contact Officer

Name and Post:	Mark Simmonds; Development Manager (Interim)
Telephone Number:	01775 764444
Email	mark.simmonds@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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MAP SCALE 1:2500
CREATED DATE: 01/02/2024
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