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Polly Harris-Gorf
South Holland District Council
Priory Road
Spalding
PE11 2XE

Ref: JP/LH/4879NE/L007

Date: 17 April 2023

Dear Polly,

Submission of updated and/or additional information in response to consultee comments received in relation to full planning application (ref: H16-1203-22) for proposed extra care accommodation with associated access, car parking, and landscaping on land adjacent to Roman Bank, Spalding.

On behalf of our client, Sea Island Developments (Spalding) Ltd, we hereby submit updated and/or additional information in response to consultee comments received on full planning application ref: H16-1203-22.

Introduction

A total of 14 consultee comments have been received on the application to-date. We have provided our response to each of the comments received below, which are supported by updated and/or additional information where relevant.

The response is supported by the following plans and reports:

- 1607-2-1F Landscape Strategy Plan 270223
- 4238-JDDK-DR-A-2001 Rev5 - Basement & Ground Floor Plan
- 4238-JDK-DR-A-1003-Rev 7 -Proposed Site Plan
- 4238-JDK-DR-A-3010-Rev5- Proposed Elevations
- 4238-JDK-DR-A-4001-Site Sections
- 4238 Spalding Design and Access Statement - Rev1
- Transport Statement by iTransport Planning (Revision 2)
- BNG Assessment 22268 BNG v3 by OS Ecology
- Ecological Appraisal 22268 EA v3 by OS Ecology
- 22268 Biodiversity Metric 3.1 auditing and accounting for biodiversity calculation tool - v4
- P22-311 Roman Bank Spalding - Phase I DTS Issue 3 (full)
- FRA - Roman Bank, Spalding - Issue 3 (contains updated Drainage Layout and Proposed Levels Plan)

Comments were received from the following consultees:

- Environment Agency (including second set of comments dated 10.02.2023)
- Anglian Water (including second set of comments dated 07.02.2023)
- NHS
- Lincolnshire Police
- Lincolnshire County Council Education Service
- Historic Environment
- Lincolnshire Wildlife Trust
- Pedals
- Trees and Nature Conservation Officer
- SHDC Environmental Protection
- South Holland Internal Drainage Board
- Lincolnshire County Council LLFA and Highways
- SHDC Contaminated Land
- Spalding and District Civic Society

Consultee Comments

Our responses are provided below in **bold.**

Environment Agency

The EA objected on the basis of insufficient information provided within the FRA. They therefore requested the Applicant to submit a revised FRA to address the following points:

- Consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event.
- Provide sufficient information in relation to Flood risk mitigation measures to address flood risk for the lifetime of the development.
- Resistance and resilience measures.

An updated FRA addressing the above points was submitted to SHDC on 24th February 2023. The EA subsequently withdrew the objection on 10.02.2023 based on the submitted updated FRA. No further actions are therefore required in this respect.

Anglian Water

Anglian Water stated that the north-easterly proposed new drainage connection to a rising main sewer is unacceptable, and requested a condition requiring an acceptable on-site drainage strategy to be submitted, alongside a number of informatives.

The Applicant's drainage consultant Hydrock 3E have since discussed the comments with Anglian Water, who have since confirmed that the network does have capacity for the Proposed Development. However, there is no capacity at the local water recycling centre. Anglian Water have stated that this is their issue to resolve and they take notice of all planning permissions coming through in the area, to ensure they have rectified these capacity issues in time for the Proposed Development to discharge foul flows into the system. They also confirmed that no financial contribution will be required for this.

Anglian Water subsequently commented again on the application on 07.02.2023 to confirm the above, and therefore no further actions are required.

NHS

The NHS have raised no objections to the Proposed Development, however they have requested that the Applicant pays a financial contribution of £54,268.50 (£786.50 x 69 dwellings) to account for an increase in patient numbers as a result of the Proposed Development.

We note that the requested financial contribution is calculated on the basis of an occupancy rate per unit of 2.86 people. The Proposed Development comprises one bedroom apartments with double beds indicated on the plans. Whilst double beds are indicated, the apartments will predominantly be single occupancy and therefore the occupancy rate should be adjusted to suit.

Notwithstanding the above, the Applicant respectfully questions the need for a financial contribution to the NHS, as the Proposed Development will principally provide specialist extra care accommodation (Use Class C2 rather than C3 dwellinghouse) for persons aged over 55 years which will provide services tailored to each resident, and include a self-contained flat to enable independence, support from staff, 24-hour emergency help alarm system, community and social activities, and communal areas to encourage socialising. The level of care provided within the proposed development will ultimately help to reduce dependence on the NHS by occupants, and will alleviate pressure on the NHS and other local public health services. The Proposed Development does not constitute a traditional use class C3 housing development and should therefore be exempt from the requirement for a S106 financial contribution.

The response from the NHS does not consider the prospect that future occupiers of the Proposed Development are likely to be existing residents of the South Holland District Council area and, as such, it is likely that very few patients will be new to the area. Furthermore, and as mentioned above, the occupancy rate should be based on single occupancy of the 69 apartments (i.e. no more than 69 patients). Indeed, a recent High Court Judgement1 dismissed a claim by University Hospitals of Leicester NHS Trust challenging the grant of planning permission by Harborough District Council. The central issue in this case was whether Harborough District Council erred in law by not requiring the payment of a S106 contribution of about £914,000 towards the delivery of health care by the Trust to mitigate what are said to be the harmful effects of additional demands upon its services from that proportion of the people moving to the site who would be new to the Trust's area. The contribution sought by the Trust was to provide funding for additional staff, drugs, materials and equipment.

Within this claim the Trust estimated that the 2,750 houses on the site would accommodate 7,520 people, of whom 38.5%, or 2,896 people, would be 'new residents' in the Trust's area. One of the main reasons for dismissal of the claim by the High Court was due to the Trust's inability to evidence a 'funding gap' which they claimed to be present as the reason for the contribution request.

Whilst the NHS' response to the Proposed Development requests a S106 financial contribution to contribute to the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the Spalding Primary Care Network (PCN) at Beechfield Medical Centre and/or Munro Medical Centre, and as such relates primarily to healthcare infrastructure rather than services i.e. additional staff and equipment etc cited in the above High Court Judgement, if it is indeed necessary for the Applicant to provide a S106 contribution at all in this instance then it is questionable whether the financial contribution quoted is necessary as the NHS have not acknowledged the possibility that some or all future occupiers could already be resident in the South Holland District area.

1 The University Hospitals of Leicester NHS Trust, R (On the Application Of) v Harborough District Council [2023] EWHC 263 (Admin)

Notwithstanding the above, the High Court Judgement also established that NHS CCG funding across the country takes into account ONS population projections. Accordingly, in the distribution of national funds there may be increases or decreases in funding for individual CCGs by reference to size of population. It is therefore questionable whether the Applicant should be liable to provide a financial contribution to fund an increase in patients.

It is on this basis that we respectfully request the NHS to re-consider their response to the Proposed Development and request for a S106 financial contribution.

Lincolnshire Police

The Police have raised no objections, but have set out a number of design recommendations relating to under-croft parking, CCTV, lighting, windows, external doors and windows, open spaces, access control, communal areas and mail delivery, and mobility scooter storage.

The LPA confirmed in a meeting held with the Applicant and Agent on 24.01.2023 that these comments are advisory only and are dealt with through building regulations separately to the planning system. Therefore, no further actions are required in this respect.

Lincolnshire County Council Education Service

The Education Service have raised no objection to the Proposed Development. As such, no further actions are required in this respect.

Historic Environment- Archaeology

The Historic Environment Officer has confirmed no objections to the Proposed Development, stating that no archaeological input is required. As such, no further actions are required in this respect.

Lincolnshire Wildlife Trust

Lincolnshire Wildlife Trust have submitted a holding objection to the Proposed Development, *"until further ecological information has been submitted and details are provided as to how the mandatory 10% Biodiversity Net Gain and subsequent monitoring and management for the 30-year period will be achieved."*

The comments go on to state that *"it is not clear from the submitted documentation provided what survey method was used in the field survey of the watercourse survey. Assessments of the survey must be conducted by an ecologist with practical experience of UKHabs surveys and should reach FISC Level 4 as best practice. The watercourse survey was undertaken in November. This is an inappropriate time of year to conduct such a survey and current findings will underrepresent the ecological value of the site. A survey should be completed at an appropriate time of year."*

Whilst we acknowledge that there will be a requirement by law to deliver a 10% net gain in biodiversity through the Environment Bill, a 10% net gain is not currently mandatory until November 2023. Until then, adopted policy 28 within South Holland's Local Plan requires an 'overall' net gain in biodiversity. The scheme currently results in a 2.25% net gain in the habitats category and a 100% net gain in the linear habitats category.

The Applicant's Ecological Consultant has confirmed that a Management Plan is suitable to be secured by way of a planning condition, which we trust is acceptable to the LPA. They have also confirmed that the survey was completed by experienced ecologists, and the survey was completed using the UK Habitat Classification Methodology (UKHabs) which

is stated in the PEA report which is referenced in the report (section 2.2 of the BNG report and 2.8 of the EA report). The methodology for the watercourse survey is similarly stated in section 2 of the EA report.

They suggest that a checking survey could be secured via planning condition prior to commencement of the development to confirm the status of the watercourse given the initial findings (water vole burrows (the key target species) are evident throughout the year for example). We therefore seek confirmation from the LPA as to whether this is acceptable.

In terms of Biodiversity Net Gain, the assessment has been updated alongside the Ecological Appraisal. Six small trees and nine medium trees have been added into the landscaping plans, which results in a 2.25% net gain in the habitats category and a 100% net gain in the linear habitats category.

However, the proposals do not satisfy the trading rules of the metric within the medium distinctiveness habitat category due to the loss of the bramble scrub. Due to the small size of the site and available landscaping area, satisfying the trading rules of the metric is not considered to be feasible. However, to improve the site for wildlife the landscape proposals do include a seasonally damp amphibian scrape with an associated rock pile acting as refugia. The development will also include opportunities for nesting birds and roosting bats as a biodiversity enhancement.

Pedals

Pedals have raised no objections to the Proposed Development, however made a recommendation for additional cycle storage within the under croft parking area. They have also recommended that if permission is granted, a condition should be imposed requiring that all cycle storage and cycle parking facilities are provided before the building is brought into use, and kept available for that purpose thereafter.

The recommended pre-occupation condition for provision of the proposed cycle parking facilities is considered to be acceptable to the Applicant. However, given that the currently proposed cycle parking meets the SHDC Local Plan requirements, no additional cycle parking will be provided as the end user of the Proposed Development is not likely to utilise cycling as a mode of transport. This was discussed and agreed as acceptable with the LPA in a meeting held on 24.01.2023.

Trees and Nature Conservation Officer

The Officer has raised no objections to the Proposed Development, but has made a series of recommendations, as follows:

- Would encourage retention of selective peripheral saplings, or those which would be useful on proposed amenity areas.
- Clear site at an appropriate time to avoid nesting birds and hibernating creatures. September would seem ideal.
- Provide amphibian/reptile friendly kerbing/careful selection of positions of gratings/drain covers to reduce casualties.
- Provide easy means of escape for creatures such as hedgehogs if trapped in covered carpark area.
- Provide swift boxes at roof level.
- Provide landscaping which will help to compensate for loss of natural habitat
- Could incorporate 'beetle banks' in landscaping.

The Applicant welcomes the above recommendations and is able to accord with the majority. However the first recommendation has been carefully considered by the Applicant's landscape and arboricultural consultants and is not

possible as existing saplings can only be retained where ground levels will not be altered, which will merely be a c.5 metre strip of land adjacent to the northern boundary of the Site and does not provide sufficient space for some of the species present to reach maturity, such as the Willow, Ash and Sycamore. Furthermore, some of the species present, particularly the Buddleia, are not desirable to retain due to their invasive nature. As such, no existing saplings will be retained as part of the Proposed Development.

SHDC Environmental Protection

Environmental Protection have raised no objection to the Proposed Development. As such, no further actions are required in this respect.

South Holland Internal Drainage Board

The Internal Drainage Board has raised no objections, but have stated that land drainage consents may be required prior to determination of application which is separate from the planning process.

The Applicant's Drainage Consultant Hydrock 3E have confirmed that consent would only be required if the Proposed Developments seeks to discharge foul water to the watercourse. As this method is not proposed, no further actions are required in this respect.

Lincolnshire County Council Highways and LLFA

LCC have raised no objections to the Proposed Development, however have requested additional information in the form of:

- We would ask the applicant to remove the drop off/pick up bays and make further consideration of an in/out arrangement within the curtilage of the site for taxi's and ambulances should this facility be required.
- We would also ask the applicant to show a frontage footway link on the radii of the proposed vehicle access to the East, including a pedestrian crossing point across the new access for pedestrian connectivity.
- There will also be a requirement to upgrade the existing crossing at the Roman Bank/Holbeach Road (A151) junction to a formal uncontrolled pedestrian crossing with tactile paving.

The Applicant's architect and highways consultant have reviewed the above recommendations and have amended the proposed highways layout, which supports the submission of this response. An in-out arrangement is now proposed which enables deliveries and servicing to take place within the Site, and the requested pedestrian crossing point has been added to the entrance to the Site.

It is our understanding from discussions with LCC Highways that the Client will be required to upgrade the existing crossing at the Roman Bank/Holbeach Road (A151) junction to a formal uncontrolled pedestrian crossing with tactile paving through a S278 Highways Agreement. This is considered acceptable to our Client.

As a result of the updated road layout, as illustrated on the supporting proposed site layout, the following plans and documents have also been updated to reflect this for consistency:

- 1607-2-1F Landscape Strategy Plan 270223
- 4238-JDDK-DR-A-2001 Rev5 - Basement & Ground Floor Plan
- 4238-JDK-DR-A-1003-Rev 7 -Proposed Site Plan
- 4238-JDK-DR-A-3010-Rev5- Proposed Elevations

- 4238-JDK-DR-A-4001-Site Sections
- 4238 Spalding Design and Access Statement - Rev1
- Transport Statement by iTransport Planning (Revision 2)
- BNG Assessment 22268 BNG v3 by OS Ecology
- Ecological Appraisal 22268 EA v3 by OS Ecology
- 22268 Biodiversity Metric 3.1 auditing and accounting for biodiversity calculation tool - v4
- FRA - Roman Bank, Spalding - Issue 3 (contains updated Drainage Layout and Proposed Levels Plan)

SHDC Contaminated Land

The Environmental Protection Officer requested revisions to the conceptual site model for the proposed site investigation set out within the Phase 1 report by Hydrock submitted as part of the planning application.

Hydrock have since reviewed the comments and have updated the Phase 1 Desk Study to address the issues raised and the officer's recommendations. We therefore seek the Officer's views as to whether this is now acceptable, and if so we would be grateful if the Phase 1 report (part i) could be excluded from the recommended set of conditions.

They have recommended that a full set of land contamination conditions be applied to any grant of planning permission. We understand that the conditions are recommended to be worded as follows:

Condition 1

"The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures:

i) a desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk- top study and a non-technical summary shall be submitted to the LPA without delay upon completion.

ii) if identified as being required following the completion of the desk-top study, a 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 new use. Two full copies 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 requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme. 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 suspect contamination has been submitted to and agreed in writing by the LPA.

iv) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. 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 has been fully met."

Condition 2

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

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.

The Applicant considers these conditions to be acceptable, however with regards to the proposed wording of condition 1, elements iii) and iv) currently all read as a pre-commencement condition. We understand that a remediation strategy (if required) is required to be approved prior to commencement (as is currently set out in the first sentence of iii), but undertaking the remediation measures and follow-up submission of a verification report should be pre-occupation given that the verification would not be able to take place until the development has been completed. We therefore consider that the condition be re-worded to suit, or perhaps the second part of iii and verification report under iv be an entirely separate condition with a prior to occupation trigger. We trust that this proposed re-wording of condition 1 is acceptable, but would be grateful if the LPA could please confirm.

The Environmental Protection Officer has also recommended a planning condition to secure a Construction Management Plan (CMP), which the Applicant considers to be acceptable.

Spalding and District Civic Society

Spalding and District Civic Society's comments are largely positive, praising the work that the design team have put into designing the proposed accommodation for the end-user, which is very much welcomed by the Applicant and design team.

One of the comments made by the Civic Society concerns the location of the building on the northern part of the site, and whether it could be provided nearer to Roman Bank with landscaping fronting the River. The Site is a relatively constrained Site in terms of size, linear nature, flood risk and existing site levels, and therefore the Client's engineering and design team have carefully considered the layout of the Proposed Development throughout an iterative pre-application design process. Moving the building to front onto Roman Bank would require re-designing of ground levels, flood risk/drainage and engineering strategy and as such is not feasible.

Notwithstanding the above, the Civic Society have made a number of design recommendations, which the Client's design team have reviewed and have made the following design changes;

"Remove the horizontal grey band of the ground floor. To retain it seems perverse, as it forms a unifying feature. The varying facing materials proposed for the upper floors need to be carried through to ground level to have full effect."
The horizontal blue brick band and soldier course that ran continuously around the ground floor of the building has now been removed. The materials from the upper floors are now carried down to ground level and rearranged to help emphasize the verticality of the bays.

"Indeed, the verticality of the bays would benefit from further emphasis – with quoins, for example, on some of the protruding bays"

The various locations of the materials have been revised to help emphasize the projecting bays, rather than dressing them with quoins (which are not part of the local vernacular). Red brick has been applied to all of the projecting bays and have changed the material on either side to render which emphasizes the projections in a more appropriate way.

"There are several almost entirely blank walls on returns and on the Roman Bank side (to avoid over-looking), almost factory-like in their bleakness. We hope that for at least two of them art works could be commissioned (mosaic, relief or sculpture) to give distinction and individuality to the building and pleasure to residents and passers-by alike, and further mitigate uniformity and any appearance of the institutional."

Some of the gables are not particularly public fronted or visible (north-east and south-west) so additional gable windows have been added to create more variety and visual interest. The gable of the 4-storey element which is facing Roman Bank, does have more public presence so in this instance some additional openings have been added within the plant room (which are likely to be louvres for ventilation) and a small element of projecting brick detailing between the windows has been intorudced, which helps to emphasize the verticality and also creates additional visual interest and relief to the elevation.

"We are not at all happy, about all the grey that is being proposed for the exterior of the building: grey roof fascias and soffit boards, grey window frames and door frames, grey painted balconies, and it would seem grey contrasting brickwork and grey cladding. It's the trendy fashion-colour of the moment, of course, almost always to the detriment of the buildings concerned, reducing exteriors to a sort of featureless mid-tone sludge, where the architectural interest of details and moulding are lost."

The design intention is to use a crisp dark anthracite grey for the window and door frames, fascias and soffit boards which create sharp contrasting detail against the brickwork and render. The image presented and reference to architectural detail and mouldings within the Civic Society's response is not relevant to this scheme, as there are no mouldings and the grey in the image used is a far lighter shade. The anthracite grey is also presented in the development directly opposite our scheme on Roman Bank.

Other Matters

A meeting was held between the LPA and the Applicant, Agent and Design Team on 24.01.2023. A number of queries were raised within the meeting which are set out below, and the Applicant responds as follows:

Potential to increase on-site car parking for staff

The design team have reviewed the possibility of providing additional car parking on site for staff. Given the constrained nature of the Site in terms of size, linear nature and landscaping/open space requirements it is not feasible to provide additional car parking spaces. The current provision of 24 spaces exceeds the requirements of adopted policy 36 which requires one space per three residents (= 23 spaces). It is anticipated that a maximum of six care staff, with the potential

of one additional non-care staff, will be on-site during the expected peak times of 7am till 10am and, as such, the current provision of 24 spaces is considered to be sufficient, particularly given that the proposed end-users of the development are not as likely to be car users.

Charging capability within scooter store

At the request of the LPA, a section has been added to page 14 of the enclosed DAS to explain that the scooter store will comprise charging facilities. Wheelchair turning circles have also been accommodated within the design.

Refuse/waste collection

As per the updated highways layout, refuse collection and servicing will be accommodated on site via the in-out access arrangement. Refuse collection will be by a private refuse collection arrangement, and staff will take the rubbish from the internal stores to the collection vehicles at the arranged time.

Riverside street scene

The enclosed sections have been prepared by JDDK to illustrate the Proposed Development's relationship to the river, the heights of adjoining development and the levels of the car park.

External materials rationale

At the request of the LPA, a section has been added to the enclosed DAS which provides justification for the proposed external materials palette.

Police response

At the request of the LPA, a section has been added to the enclosed DAS which explains that the basement car park will be provided with CCTV cameras.

Summary

In view of the above responses provided to the consultee comments received on the application to-date, alongside our submission of updated information where required, we trust that you are now in a position to make a positive recommendation on the application subject to further discussions with the Council's ecologist regarding off-site biodiversity net gain.

The Proposed Development will deliver the construction of extra care housing comprising of 69 units of accommodation with associated access, car parking, and landscaping which will enhance the provision of specialist housing in Spalding and the district of South Holland, of which there is currently none. The Proposed Development fulfils all three strands of sustainable development (social, economic and environmental) in accordance with the NPPF and Local Plan Policy 1 and as such we invite the LPA to respond positively to this application and grant planning permission without delay.

Yours sincerely,



Jen Patterson
Associate Director
DPP