SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

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

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

Purpose: **To consider Planning Application H20-0947-21**

Application Number: H20-0947-21 **Date Received:** 08 September 2021

Application Type: FULL

Description: Residential development comprising 30 dwellings with associated estate roads, landscaping & open space

Location: Land adj. Havencombe Chapelgate Sutton St James

Applicant: Scenic Homes **Agent:** Moulton Land and Planning Ltd

Ward: The Saints **Ward Councillors:** Cllr M D Seymour

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H20-0947-21

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 As a result of the impacts of the viability case regarding the provision of affordable housing and other policy compliant developer contributions as part of this development.

2.0 PROPOSAL

2.1 This is a full application for a residential development comprising 30 dwellings with associated estate roads, landscaping & open space.

2.2 Specifically the scheme proposes:

4 x 2-bed houses
14 x 3-bed houses
4 x 4-bed dwellings
4x 5-bed dwellings
4 x 3-bed bungalows

2.3 Access is to be gained via a new adopted road connected to Chapelgate.

2.4 The application is supported by a Design & Access Statement & Heritage Impact Assessment, Flood Risk Assessment, Phase I & II Geo-Environmental Investigation Drainage Strategy and a Viability Assessment. In addition further information has been provided in the form of a section that illustrates the relationship of the proposed development to the nearest existing dwelling.

2.5 The viability assessment is attached to this report as Appendix B.

2.6 An Education contribution of £32,000, to be delivered via a S106 legal agreement, is offered as a result of the viability considerations. No affordable housing or NHS contributions are offered. This is discussed below.

3.0 SITE DESCRIPTION

3.1 The application site is within the Sutton St James settlement boundary as outlined in the adopted South East Lincolnshire Local Plan, and consists of a former piggery and paddock and has an area of approximately 1.75 hectares. There are existing properties adjacent the site to the north on Chapel Gate and to the west on Taylor's Drove. The land directly to the north, which is within the applicant's ownership, consists of two dwellings and a number of agricultural buildings that will continue to be used in association with the existing farm business.

3.2 The paddock area is bordered by trees and post/wire fencing with field drains to the eastern and southern boundaries. There are also a number of trees on site and a pond. There are a number of buildings and areas of hardstanding associated with the piggery and a further field drain on the western boundary.

3.3 The boundaries of the main portion of the site are defined by watercourses, one of which is maintained by the North Level Internal Drainage Board.

3.4 The site is located behind established properties, which includes large agricultural buildings, and so has little visual aspect onto Chapelgate.

3.5 The site is allocated in the SELLP as Suj012, but is incorrectly referenced to be 2.1 hectares in the Local Plan. The gross site area is actually 1.73 hectares.

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) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policies:

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

National Guidance

National Planning Policy Framework (NPPF), 2021

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

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H20-0284-16. OUTLINE. Residential development - up to 42 dwellings. Approved 06-06-17.

Included S106 to provide an education contribution calculated at that time to be £137,367.

5.2 H20-0043-18. FULL. Residential development for 27 dwellings including roads. Approved 25-02-19.

Included S106 to provide four affordable dwellings and an education contribution calculated at that time to be £84,957.

6.0 REPRESENTATIONS

6.1 Sutton St James Parish Council

First consultation response: Support - The Parish Council supports this application with the variety of dwellings available in the plans. Also the road being adopted by the local authority as well. Separate details surrounding a Section 106 have been sent to the planning officer.

6.2 SHDC Officer Note:

No specific and costed developer contribution request has been received at the time of writing.

6.3 Subsequent consultation responses:

The Parish Council initially supported the development given the affordable housing planned as well as the contributions being made to educational needs. However, as we are now aware that there has since been a viability assessment made.

Objections:

- urge to work in liaison with this developer to design an alternative option that at the very least does not remove the necessity for affordable housing.
- the village is in desperate need of affordable housing be they rental or shared ownership properties
- the need for affordable housing in the village has in part already been acknowledged by the SHDC planning department in relation to planning application H20-0281-21 for 20 static caravans
- funding for education to go to an secondary school rather than Sutton St James pre school
- would also set a precedent enabling other housing developers with affordability clauses citing such cases to remove the need for affordable properties.
- viability assessment flawed.

6.4 SHDC Housing Strategy

Should the development be permitted Policy 18: Affordable Housing requires about 25% of the development to be provided as affordable housing to meet district wide housing needs. This policy also states that the proportion of affordable housing that can be provided on market housing sites may vary according to the site specific considerations and cites viability, other infrastructure and the type of affordable housing need to be met as specific reasons.

Using information from the Strategic Housing Market Assessment (2015 & 2017 update) and Housing Register data there is an evidenced need for additional affordable homes within the district, however for this development the applicant has submitted viability evidence stating that the affordable contributions are unviable. This evidence should be independently tested by the Council, at the applicants' expense to determine what level of contributions can viably be delivered. If that demonstrates that reduced contributions are necessary to support the schemes viability, the authority should consider which contributions to prioritise and not necessarily prioritise other developer contributions above affordable housing delivery. Strategic Housing should be consulted on the affordable housing mix to be assessed in the independent viability assessment.

6.5 SHDC Environmental Protection

Have reviewed the Geomatters consulting Engineers report 'SITE OFF CHAPELGATE, SUTTON ST. JAMES PHASE I AND PHASE II GEO-ENVIRONMENTAL INVESTIGATION FOR SHIELDS WILSON LTD' Project No: GML21135 Report Ref: GML21135/2/0 Date: June 2021 Rev.0 and am in general agreement with the findings. Remedial action is required at this location in order to achieve a safe development. Recommend conditions are added to any permission granted.

No objection regarding noise and disturbance and request a construction management plan.

6.6 SHDC Building Control

No comments.

6.7 LCC Highways & SUDS Support

No objection subject to conditions.

6.8 LCC Education Planning Manager

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

Type	Children	Sufficient places (2019/20)	To be mitigated	Contribution sought
Primary	6	Yes	0	0
Secondary	5	No	5	£84,957
Sixth-form	1	Yes	0	0

TOTAL £84,957 - Towards additional capacity at University Academy Long Sutton

Please note, where an application is outline a formulaic approach will be taken in a section 106 agreement, this may result in a higher contribution if a high proportion of large houses are built. This would be finalised at the reserved matters stage. All section 106 agreements should include indexation using the Tender Price Index of the Royal Institute of Chartered Surveyors Building Cost Information Services (RICS BCIS TPI).

Has clarified that if the reduced contribution offered by the developer is accepted, then the monies would go towards an extension of University Academy Long Sutton to support secondary education provision.

6.9 LCC Historic Environment Officer

No further archaeological input required.

6.10 North Level Internal Drainage Board

No objections in principle.

Baulkins Drove Drain forms the eastern boundary and the byelaw distance on the layout drawings must be adhered to.

Formal consent to discharge is required.

Sustainable drainage system is a matter for the Lead Local Flood Authority.

6.11 Anglian Water

ASSETS

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

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.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

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

Section 3 - Used Water Network

This response has been based on the following submitted documents: Drainage Strategy Drawing 21- 117/0011:50027-05-2021P5 Development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. (a full assessment cannot be made due to lack of information, the applicant has not identified a discharge rate) We therefore request a condition requiring phasing plan and/or on-site drainage strategy

Section 4 - Surface Water Disposal

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

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

Section 5 - Suggested Planning Conditions

Anglian Water would therefore recommend the following planning condition if the Local Planning Authority is mindful to grant planning approval.

: Condition Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete

accordance with the approved scheme.

Reason To prevent environmental and amenity problems arising from flooding.

6.12 NHS England

The above development is proposing 30 dwellings which, based on the average of 2.4 people per dwelling for the South Holland District Council area, would result in an increase in patient population of 72.

An increase in population of 72 within the catchment area of the practices will place extra pressure on existing provisions, for example - extra appointments requires additional consulting hours (as demonstrated in the calculations above.) This in turn impacts on premises, with extra consulting/treatment room requirements.

The development will impact on the following practices within the South Lincolnshire Rural Primary Care Network: Long Sutton/Sutton Bridge, Littlebury Medical Centre and Holbeach Park Road Medical Centre as the development is within their catchment areas.

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

Lincolnshire Clinical Commissioning Group (LCCG) wishes for the Section 106 contribution from the development of 30 dwellings at Land adjacent to Havencombe, Chapelgate, Sutton St James to contribute to expansion in capacity through remodelling/changes to existing layout(s), extension or new build.

The strategic direction both nationally through the development of Primary Care Networks (PCN) and locally through the Sustainability Transformation Plan is to provide primary care at scale, facilitating 100% patient population primary care and services delivered in the community in an integrated way. Included within the PCNs this is the introduction of additional roles to enhance the delivery of primary care, including a Clinical Pharmacist, Physiotherapist and Social Prescriber.

Nationally the NHS Long Term Plan, published in January 2019, seeks to improve the quality of patient care and health outcomes. The plan builds on previous national strategies, including the General Practice Forward View (2016), includes measures to:

· Improve out-of-hospital care, supporting primary medical and community health services;
· Ensure all children get the best start in life by continuing to improve maternity safety including halving the number of stillbirths, maternal and neonatal deaths and serious brain injury by 2025;
· Support older people through more personalised care and stronger community and primary care services;
· Make digital health services a mainstream part of the NHS, so that patients in England will be able to access a digital GP offer.

The contribution requested for the development is £19,800.00 (£660 x 30 dwellings).

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

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

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

6.13 Police Crime Prevention Design Advisor

Lincolnshire Police do not have any objections to this development.

6.14 Rt Hon Sir John Hayes CBE MP

Agrees with the objections of the Parish Council.

6.15 Public

One objection has been received raising the following matters (summarised):

A two-storey property at the end of a rear garden causing overshadowing
The appearance to the area, will adversely affect the residential amenity of property in Chapelgate. Currently the view is of open countryside framed by hedges and trees containing lots of natural interest.
Loss of daylight to garden
A two-storey property adjacent to bungalows is overbearing.
Loss of privacy in rear garden.
On the plans, the first-floor window of the two-story property has clear glass when it should be obscured.

Would remove our objections to this application if the property directly to the rear of the objectors dwelling was a bungalow.

6.16 Two comments have been received raising the following matters (summarised):

Matters of highway safety are to be taken in to consideration
This road joins the main road through the village in a blind bend
Provision to be made for Swifts.

7.0 CONSIDERATIONS

7.1 Planning Considerations

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

7.2 Principle of Development and Sustainability

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

7.4 Within the SELLP Sutton St. James is designated a Minor Service Centre, which is an area of limited development opportunity. Policy 1: Spatial Strategy, sets out that "Within the settlement boundaries of the Minor Service Centres development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Allocated and Committed sites and infill.

7.5 The application site is allocated for residential development in the SELLP and consents have recently been granted. A consent granted on 25 February 2019 for 27 dwellings (H20-0043-18 refers) is still extant.

7.6 Concern has been raised regarding the overall density of the scheme. The gross site area is 1.73 hectares. The net developable area of this site is 1.53 hectares. At the prescribed density of 20dph the scheme is appropriate in this village location.

7.7 Viability and developer contributions

7.8 Policy 18 of the Local Plan requires the provision of about 25% affordable housing on-site on market schemes in South Holland where developer contributions can be sought. In addition, Policy 6 states that developer contributions will be sought that relate to the provision of education and health facilities.

7.9 However, following on from this, Paragraph 3.7.11 of the supporting text to Policy 6 (Developer Contributions) states that:
The policy implications of this Local Plan, including those matters to be sought by developer contributions, have been subject to a Whole Plan Viability Assessment to ensure that the cost would not adversely impact upon the viability of development in South East Lincolnshire. As such, it is expected that the costs of developer contributions are factored in when land is purchased. In exceptional circumstances, where applicants state that financial viability prevents the delivery of some or all developer contributions, a financial appraisal should be submitted... Each Local Planning Authority's independent valuer will consider the assessment.

7.10 In the context of this, the applicant has submitted viability information (included as Appendix B), which the Council has had independently tested. The response of the independent assessment, prepared by CP Viability (CPV), is included as Appendix C. This indicates that there is viability pressure on the application site, but that some level of policy contributions can be provided.

7.11 An independent review of the applicant's viability case has been undertaken by CPV, and this is attached as Appendix . As can be seen within the assessment at Appendix C, CPV ran a viability assessment and concluded that the full policy requirements of 25% affordable housing plus £94,410 of S106 contributions would not result in a viable development scheme.

7.12 CPV have looked at the point at which the development becomes realistically viable, and conclude that the scheme would be unable to support any affordable housing but a reduced education contribution of £32,000 would be deliverable.

7.13 As can be seen, the sum now available would result in a reasonable reduction in developer contributions, however, in line with national and local planning policies, there is a need to be mindful of the need for the provision of housing in the District.

7.14 One option open to Members would be to refuse this application for lack of developer contributions, however, given the evidence submitted by the applicant, that has been considered by an independent assessor, in the usual way, this would be a difficult position to defend, given that the submission has been independently assessed, and the current planning guidance from the Government relating to the provision of developer contributions at this current time.

7.15 In specific response to the Parish Council objections, the applicant has submitted an additional statement as follows:

Moving on to the Sutton St James Parish Council comments, it is extremely disappointing, and somewhat surprising, to see a total reversal from initial support to now one of objection to the scheme.

The application site has an extant consent for 27 dwellings (H20-0043-18) which was also accompanied by a financial viability statement. That application was supported by the Parish Council. That scheme does include 4 'affordable' dwellings consisting 2 rented and 2 shared ownerships 2bed chalet style homes. However the balance of the development is for 3 and 4 bed detached bungalows.

That approved scheme of 27 dwellings will not deliver 1st time buyer homes or family homes to the village. The current application was also accompanied by a financial viability statement which was available for public reference at the outset so it is not clear why the Parish Council have now reversed their opinion on the scheme to one of objection.

The current proposal which was initially supported by the Parish Council for its variety of accommodation provides a mix of 2,3,4 and 5 bed housing including a small percentage of 3 bedroom bungalows.

The local developer has a track record of delivering homes in South Holland villages that local people can afford such as at Sutton St Edmund and Moulton Seas End, and such is the popularity of such developments that prior to any marketing my clients have received numerous enquiries regarding the proposed dwellings at Chapel Gate from local people.

I note the reference by the Parish Council to other planning applications in the area but accommodation for transitional / seasonal employment as referred to in H20-0281-21 has always been a characteristic of the District which involves a transient labour supply that isn't particularly seeking permanent accommodation in a rural village.

In terms of Education Contribution it is unfortunate and often frustrating for developers, particularly local developers that the distribution of any financial contributions to Education is determined by the County Council where often no obvious local benefit can be seen. This is beyond the influence of any developer and there is sympathy with local communities and Parish Councils with this current arrangement.

The Parish Council are aware of the needs of the village and in this instance they have actually approached the Applicant to seek financial assistance towards improving the existing pre-school facility.

It is considered that on balance the development can deliver the education contribution, as set out above, and the current planning guidance from the Government relating to the provision of developer contributions at this current time would suggest that on balance planning permission could not be withheld on this basis.

7.16 Layout and Design

7.17 A mix of dwellings are proposed, consisting of a mix of 2-bed, 3-bed, 4-bed and 5-bed dwellings, with 4 x 3-bed bungalows, to be provided as detached and semi detached dwellings, and a short terrace of dwellings. This mix reflects the mixed form of development within this part of the settlement. The dwellings would be accessed from a largely adopted road, with one shared drive, and a shared parking facility for the terraced dwellings.

7.18 The layout of the development would provide a pleasant and spacious form, with each dwelling having a garden and sufficient open space and landscaping to soften this scheme.

7.19 A landscaping scheme is indicated, showing the provision of native hedgerow planting and tree planting, with the existing tree belt to Eastern boundary being retained.

7.20 It is considered that the development would provide a pleasant form, in keeping with the mixed form of development in the settlement.

7.21 The appearance of this part of the settlement will change, and this is accepted by previous planning permission in the site area, Although properties in Chapelgate currently have a view of open countryside framed by hedges and trees containing lots of natural interest, within planning law there is no right to a view, per se. The impacts of the residential amenities of adjoining residents is discussed further below.

7.22 Refuse collection

7.23 There are no private drives within the development which removes the requirement for bin collection points, as everyone can conveniently place their bagged refuse at the curtilage with the public highway.

7.24 Highway safety and parking

7.25 The access would join the existing highway at a point where there is sufficient clear sight lines achievable. The views of LCC Highways officers are set out above.

7.26 The road layout within the development has a slight curve, which would serve to reduce the

speed of vehicles entering and leaving the development.

7.27 It is considered that the development accords with Policies 2 and 3 of the SELLP in this regard.

7.28 Impact of neighbouring Residents/land users

7.29 In support of the application information has been provided to in the form of a section that illustrates the relationship of the proposed development to the nearest existing dwelling. This shows a separation distance of the side elevation of the proposed two storey dwelling of 17.75 metres. Given the finished floor levels of the nearest existing bungalow and the proposed dwelling, it is considered that this relationship would not cause a loss of daylight or sunlight, nor would it have an overbearing effect.

7.30 Windows to landings, which are not habitable spaces, would not normally need to be obscure glazed, however to protect the amenities of the adjoining occupiers it is considered on this occasion reasonable to impose this by condition on Plot 1.

7.31 Existing dwellings to the West, on Taylors Drove, are at such a distance that reasonable separation distances can be provided.

7.32 It is considered that with conditions this development accords with the policy requirements of Polices 2 and 3 of the SELLP.

7.33 Flooding considerations

7.34 This application is accompanied by a Flood Risk Assessment which concludes that the site can be satisfactorily developed for residential use subject to minimum floor levels to the proposed development. This can be controlled via condition.

7.35 Foul and Surface Water Drainage

7.36 A comprehensive set of calculations, layouts and details have been prepared by an Engineer to support the application. The surface water drainage follows similar principles of the extant scheme which deliver a sustainable form of drainage to the development including grassed filter drains adjacent to the estate roads, attenuation of water flows and a controlled outfall to an existing IDB maintained watercourse.

7.37 Foul Drainage is to be connected to the existing system located in Chapelgate as per the submitted detailed design. This is a specialist vacuum sewer system.

7.38 Surface water is proposed to be disposed of via an existing watercourse. The route for the surface water discharge is now repositioned opposite to the surface water attenuation installation within the 'village green' open space. The route is now protected through an area of open space which leads to linear green space adjacent to the IDB maintained watercourse along the eastern boundary of the site.

7.39 Contaminated Land

7.40 The application submission has been carefully considered and remedial action would be required at this location in order to achieve a safe development. Officers therefore recommend that the conditions set out in the recommendation are added to any permission granted.

7.41 Heritage considerations

7.42 There is an Ancient Monument (Grade II Listed) near to the application site: St. Ives Cross at junction of Fisher Gate and Chapel Gate, *Fragment of buttressed cross. C14. Ashlar. Rectangular base of 4 tiers of battered steps surmounted by plinth and fragment of rectangular chamfered shaft with remains of broach stops. 3 flying buttresses. Approximately 1 metre high.*

Scheduled as Ancient Monument No. 127.

7.43 Whilst this is a prominent feature along side the main route to and from the village it is in excess of 100 metres from the proposed site access and as can be seen from the above street view the actual site Is not visible from this ancient monument.

Officers concur with the applicant's assessment that the proposed development would have no material affect on the setting of this Listed Structure.

7.44 Archaeology

7.45 The LCC Historic Environment Officer has confirmed that no further archaeological input required.

7.46 Biodiversity

7.47 The development proposes the retention of boundary trees, and a landscaping plan showing native species set out.

7.48 Provisions for Swifts can be delivered via condition.

7.49 Planning Balance

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

7.51 The principle of residential development on this site has already been established by virtue of previous consents on the site and the allocation within the SELLP. It is not considered that the proposal would materially harm the character or appearance of the locality or amenity of nearby residents, and flood risk and drainage matters are considered to have been appropriately addressed. Notwithstanding the concerns that have been raised relating to highway matters, it is not considered that there is a justifiable reason to withhold permission on these grounds. The conclusions of the independent viability assessment indicate that there is a viability pressure in relation to this site and therefore reduced developer contributions are justifiable.

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

Conclusion

7.53 In light of the above considerations, the proposal is considered on balance to comply with Policies 1, 2, 3, 4, 6, 10, 11, 17, 18, 28, 29, 30, 31, 32 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPFF), 2021.

7.54 **Additional Considerations**

7.55 Public Sector Equality Duty

7.56 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.

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

7.58 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.

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

7.60 Human Rights

7.61 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).

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

8.0 RECOMMENDATIONS

8.1 **Authorised to Grant permission subject to the applicant entering into a Section 106 agreement for an education contribution of £32,000 and the Conditions listed at Section 9.0 of this report.**

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
Flood Risk Assessment. ECL0456/Shields Wilson. May 2021
Phase I & II Geo-Environmental Investigation. June 2021. GML21135/2/0
Viablility Assessment - 24 August 2021. 21033
Planning Statement - Incorporating Design & Access Statement & Heritage Impact Assessment. August 2021
SURFACE WATER DRIANAGE CALCULATIONS. SW 21-117-CAL-01
SCE/SSJ/location
SCE/ssj/Site Layout A
SCE/SSJ/PL Section
SCE/SSJ/Ash
SCE/SSJ/Aspen elev
SCE/SSJ/Aspen fl
SCE/SSJ/Birch
SCE/SSJ/DGarage/Store
SCE/SSJ/Hawthorn elev
SCE/SSJ/Hawthorn fl
SCE/SSJ/Holly elev
SCE/SSJ/Holly fl
SCE/SSJ/Laurel
SCE/SSJ/Magnolia
SCE/SSJ/Maple
SCE/SSJ/Oak elev
SCE/SSJ/Oak fl
SCE/SSJ/SGar & DGar
SCE/SSJ Willow elev
SCE/SSJ/Willow fl
21-117-002 P3
21-117-003 P4
21-117-004 P3
005 P2
006 P1
21-117-001 Rev P5

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

3. 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.

4. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (ECL0456/Shields Wilson. May 2021) forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

- the floor level of 2 storey dwellings is 0.3m above surrounding ground level
- the floor level of single storey dwellings is 0.5m above surrounding ground level.
- there should be 0.3m of flood resilient construction above finished floor level.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

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

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

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.

6. Prior to the first occupation of the development, two full copies of a verification 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 objectives and criteria has been fully met.

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

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

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

The existing tree belt to the Eastern boundary shown on dwg. no. SCE/ssj/Site Layout A shall be retained and maintained for the life of the development and during that period all losses shall be made good as and when necessary.

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

8. Prior to the occupation of the last dwelling hereby permitted, all areas of publicly accessible open space shown on dwg. no. SCE/ssj/Site Layout A, shall be laid out and made available for use and shall thereafter be so maintained.

Reason: To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the open space.
This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

9. 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.

10. Three swift nest bricks shall be incorporated within the external walls of each of the two storey dwellings hereby approved and shall be retained thereafter.

Reason: In the interests of biodiversity.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

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

The Construction Management Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include;
- the phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- a strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

12. 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 and approved 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 2 of the South East Lincolnshire Local Plan, 2019.

13. The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

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

Reason: To prevent environmental and amenity problems arising from flooding.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019

15. The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district.
This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

16. 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.

17. Notwithstanding the details submitted, the following landing window shall be obscure glazed using obscured glass and thereafter so maintained:

Plot 1 - northern side elevation.

Reason: To prevent overlooking in the interests of the amenity of nearby residents.
This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019 and with national guidance contained in Section 12 of the National Planning Policy Framework 2019.

18. Anglian Water Informatives:

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

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

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

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

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

19. All roads within the development hereby permitted must be constructed to an engineering standard equivalent to that of adoptable highways. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980. In all cases, the developer is advised to undertake early discussions with statutory undertakers to co-ordinate the laying of utility services under the highway.

20. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections 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.

21. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

22. 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

---

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post: Richard Fidler , Development Manager
Telephone Number: 01775 764428
Email rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

Appendix B Maxey Grounds Viability Assessment Report 24 August 2021

Appenidx C CP Viability Report 1 November 2021

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

© Crown copyright and database rights 2018 Ordnance Survey 100018351.

MAP SCALE 1:1250
CREATED DATE: 25/01/2022
PHOTOGRAPHIC COPY LIABLE TO DISTORTION IN SCALE