SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 18 December 2019**

(Author: **David Gedney - Senior Planning Officer)**

Purpose: **To consider Planning Application H22-0843-19**

Application Number:	H22-0843-19	**Date Received:**	23 August 2019
Application Type:	S73A CONTINUATION		
Description:	Residential development comprising 34 dwellings - approved under H22-0398-18 - Modification of Condition 3 relating to affordable housing		
Location:	Land off Small Drove Weston		
Applicant:	South Holland District Council	**Agent:**	South Holland District Council
Ward:	Cowbit, Weston and Moulton	**Ward Councillors:**	Cllr R Grocock Cllr A Casson Cllr A R Woolf

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H22-0843-19

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application has been submitted by South Holland District Council.

2.0 PROPOSAL

2.1 Full planning permission was granted for 34 dwellings in August 2018 (reference H22-0398-18). The development takes the form of 16 semi-detached houses, 8 semi-detached bungalows, 4 one-bedroom two-storey units in one terraced block and 6 terraced houses.

2.2 The current application is to modify Condition 3 relating to affordable housing. It currently states that "the development shall be affordable housing to meet identified local needs as defined within Annex 2 to the National Planning Policy Framework, 2018. It shall remain affordable in perpetuity". The applicant now proposes to revise the wording of the condition to read "the development shall be affordable housing to meet identified local need, as defined within Annex 2 to the National Planning Policy Framework, 2019".

2.3 The proposal also alters the mix from 16 Affordable Rent Units to 20 (4 x one-bed houses, 4 x one-bed bungalows, 10 x two-bed houses and 2 x three-bed houses) and 18 shared ownership to 14 (4 x two-bed bungalows, 4 x two-bed houses and 6 x three-bed houses).

2.4 The proposal includes two new adopted turning heads accessed off Small Drove, with some other additional plot specific access points being created along Delgate Avenue and Small Drove.

3.0 SITE DESCRIPTION

3.1 The site (some 0.82ha) is located on the eastern side of Small Drove to the south of the junction with Delgate Avenue. It previously accommodated 10 pre-fab type bungalows.

3.2 Existing residential development is located to the north, to the east off Delgate Avenue and also to south. Agricultural land is situated to the east. Weston St Mary Primary School is located opposite.

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.

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

National Guidance

National Planning Policy Framework (NPPF), 2019

Section 2 - Achieving Sustainable Development;
Section 3 - Plan Making;
Section 4 - Decision Making;
Section 5 - Delivering a Sufficient Supply of Homes;
Section 11 - Making Effective Use of Land;
Section 12 - Achieving Well-Designed Places;
Section 14 - Meeting the Challenge of Climate Change, Flooding and Coastal Change;
Annex 2: Glossary.

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H22-0569-08 - Full - Proposed two bed bungalow, adjacent: 56 Small Drove, Weston - Refused 18 August 2008 - Dismissed on appeal.

H22-0398-18 - Full - Residential development comprising 34 dwellings - Granted 2 August 2019.

H22-0222-19 - Details of external materials, foul water strategy and refuse collection (Conditions 4, 8 and 10 of H22-0398-18) - Granted 14 May 2019.

H22-0234-19 - NMA - Residential development comprising 34 dwellings (approved under H22-0398-18) - Amendments to design of plots and amendments to site plan - Granted 15 March 2019.

H22-0428-19 - NMA - Residential development - comprising 34 dwellings (approved under H22-0398-18) - Various external amendments - Granted 2 May 2019.

H22- 0515-19 - C/C - Details of gas risk assessment (Condition 11(i) of H22-0398-18) - Granted 11 June 2019.

H22- 0629-19 - C/C - Details of surface water drainage scheme (Condition 13 of H22-0398-18) - Granted 18 July 2019.

H22- 0676-19 - C/C - Details submitted relating to landscaping and estate roads (Conditions 5 and 12 of H22-0398-18) - Granted 27 August 2019.

6.0 REPRESENTATIONS

6.1 Parish Council

No response.

6.2 Highways/SUDS

No objections.

6.3 Strategic Housing

Supported.

6.4 Environmental Protection

Await installation details of the ground gas protection measures and proposed verification.

6.5 Public

No responses received.

7.0 CONSIDERATIONS

7.1 **Planning Considerations**

7.2 The site has planning permission for 34 dwellings (reference H22-0398-18) and work has commenced on site. The main issue, therefore, is whether there has been any change of circumstance to justify an alternative decision to previously and whether the proposed re-wording of Condition 3 (affordable housing) is acceptable.

7.3 Housing Policy/Sustainability

7.4 As indicated in paragraph 47 of the National Planning Policy Framework, 2019, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

7.5 The site is inside Weston Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) of the SELLP indicates that within Minor Service Centres, including Weston, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. Development will normally be limited to allocated and committed sites and infill.

7.6 The site is not allocated or frontage infill. However, it doesn't extend beyond existing development adjoining the site and is within the village fabric. It is not, therefore, contrary to the fundamental objectives of Policy 1. Moreover, it already has planning permission for 34 dwellings and development has commenced. No objections are, therefore, raised in principle.

7.7 Character/Appearance

7.8 Existing development within the area is generally varied in terms of age, type and

design/appearance. Local Authority style properties are situated to the north east off Delgate Avenue. The proposed development is of similar form to that existing on site, albeit of higher density.

7.9 The Design and Access Statement indicates that "the proposed buildings are designed to reflect the characteristics of buildings within the local area", with "a strong street frontage to the access roads and private shared surfaces". There would be some variety in terms of design and materials. Low railings and hedging would be used to define front boundaries. The development is considered appropriate for the site and would not materially harm the character or appearance of this part of the village.

7.10 Residential Amenity

7.11 Semi-detached houses are situated to the east. The proposed flats in the north-eastern corner have kitchen windows at ground floor level and small bathroom windows on the first floor on the south eastern elevation. 1.8m high fencing is proposed along the common boundary. A detached house is situated to the south. Bungalows are situated on the southernmost section of the site and 1.8m fencing is proposed along the common boundary. It is considered that the scheme would not materially harm the amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc.

7.12 In terms of the amenity of future occupiers, the Design and Access Statement indicates that the development incorporates "Secured by Design" principles, including locked gates to access paths and lights to the perimeter of dwellings to improve safety. New windows and doors will incorporate the highest level of standard locking systems.

7.13 Highway Safety

7.14 The scheme is served by two adopted roadways, with a private roadway linking the two. Each dwelling has parking provision for two cars on each plot, with an additional 4 visitor parking spaces. A footway runs along the site's frontage.

7.15 Weston Parish Council has previously raised concerns on highway grounds, including concerns "about the safety of pedestrians and traffic on Small Drove (a narrow single track road)". However, LCC Highways has raised no objections on highway safety grounds.

7.16 It should be noted that there are 3 adopted footways running across the site. The northernmost would be incorporated within the new access road and the other two stopped up. A separate application has been submitted under S247 of the Town and Country Planning Act, 1990.

7.17 Other Matters

7.18 Flood Risk - The site lies within Flood Zone 3 defined by the Environment Agency Flood Map. However, the hazard mapping within South Holland's Strategic Flood Risk Assessment (SFRA) shows the site to be unaffected if a breach of the flood defence were to occur. The site is, therefore, sequentially preferable. In terms of the exceptions test, the Environment Agency recommends that finished floor levels be set no lower than 3.2m aOD or 0.3m above ground level, whichever is higher. The proposal complies with this requirement.

7.19 Drainage - Foul water would be disposed of via the mains sewer. Anglian Water has indicated that the foul drainage from this development is in the catchment of Moulton Water Recycling Centre, which currently does not have capacity to treat the flows the development site. However, Anglian Water has indicated that it is obligated to accept the foul flows from the development with the benefit of planning consent and would, therefore, take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission.

7.20 The applicant has indicated that surface water from the development would be disposed of via a sustainable drainage system and also soakaways.

7.21 Contamination - Environmental Protection have reviewed the revised Ground Gas Risk Assessment Report. The ground gas regime here is peculiar, however, the consultant has presented a good argument and the report satisfies part (a) of condition 7 of H22-0398-18. Further details are awaited concerning the installation details of the ground gas protection measures and proposed verification. This can be addressed by means of a condition,

7.22 Refuse Collection - Plots 13 to 18 and 28 to 31 can present refuse sacks to one of the adopted access roads to be constructed off Small Drove. Refuse collection points are to be provided in respect of Plots 11, 12, 19, 20, 25, 26, 33 and 34.

7.23 Ecology - With the possible exception of trees 8 and 9, existing trees upon the site have been removed. They included young Ash, Conifers, etc, and were not considered to be worthy of retention. Existing trees adjoining the northern boundary along Delgate Avenue would be retained. A replacement planting scheme is proposed to help mitigate the removal of those trees to be removed.

7.24 There are no major ecological constraints associated with the proposal. The ecological report accompanying the application recommends precautionary measures and ecological enhancements in order to ensure legal compliance and no net loss to biodiversity.

7.25 Affordable Housing - Housing Strategy has indicated that they are supportive of the modification to meet district wide needs. They are aware that restricted shared ownership housing may be less appealing to prospective buyers and lenders, and, therefore, support the proposals to remove the inclusion of 'in perpetuity' from the condition wording for this scheme to ensure that the homes are accessible to those in greatest need. This can be secured through a legal agreement if required.

7.26 The scheme includes no public open space. However, a public playing field is situated further along Small Drove. A commuted sum would be acceptable in this case in lieu of on site provision.

7.27 Conclusion

7.28 The site is considered to be suitable for housing with particular regards to the principles of sustainable development and the protection of the rural character of the area. Moreover, the development would not have a material effect upon the amenity of nearby residents, subject to appropriate boundary screening. The County Highways Authority has not objected on highway safety grounds. Other matters such as Flood Risk, Drainage, Contamination and Refuse Collection have or can be addressed by means of conditions.

7.29 Strategic Housing are aware that restricted shared ownership housing may be less appealing to prospective buyers and lenders, and therefore support the proposals to remove the inclusion of 'in perpetuity' from the condition wording for this scheme to ensure that the homes are accessible to those in greatest need. No objections are, therefore, raised to the proposed re-wording of Condition 3 (affordable housing) and the revised mix.

7.30 **Additional Considerations**

7.31 Public Sector Equality Duty

7.32 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.

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

7.34 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.

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

7.36 Human Rights

7.37 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).

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

8.0 RECOMMENDATIONS

8.1 **Grant permission subject to a legal agreement if required and the conditions listed in Section 9.0 of this report.**

9.0 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
J1651 (08) 001;
J1651 (08) 02B accompanying application H22-0234-19;
J1651 (08) 03B accompanying application H22-0234-19;
J1651 (08) 010A accompanying application H22-0234-19;
J1651 (08) 011B accompanying application H22-0428-19;
J1651 (08) 012A accompanying application H22-0234-19;
J1651 (08) 013B accompanying application H22-0428-19;
J1651(08) 014A accompanying application H22-0234-19;
J1651 (08) 015B accompanying application H22-0428-19;
J1651 (08) 018A accompanying application H22-0234-19;
J1651 (08) 019B accompanying application H22-0428-19
J1651 (08) 020A accompanying application H22-0234-19;
J1651 (08) 021B accompanying application H22-0428-19
J1651 (08) 022A accompanying application H22-0234-19;
J1651 (08) 023B accompanying application H22-0428-19;
J1651 (08) 024A accompanying application H22-0234-19;
J1651 (08) 025B accompanying application H22-0428-19;
J1651 (08) 026A accompanying application H22-0234-19;
J1651 (08)0 27B accompanying application H22-0428-19;
J1651 (08) 40 accompanying application H22-0398-18;
J1651 (08) 50 accompanying application H22-0398-18;
J1651 (08) 51 accompanying application H22-0398-18;
J1651 SK11 accompanying application H22-0398-18;
Ground Investigation Report by Ground Engineering (Ref C14022) dated March 2017 accompanying application H22-0398-18;
Supplementary Ground Investigation Report by Ground Engineering (Ref. C14022A) dated February 2018 accompanying application H22-0398-18;
Flood Risk Assessment by RAB Consultants (Ref. RAB:1570L Version 1.0) dated 10 February 2017 accompanying application H22-0398-18;
Permeability Testing by Solmek Ltd (Ref. S161131) dated 29 November 2016 accompanying application H22-0398-18;
Ecology and Protected Species Survey by Scarborough Nixon Associates Ltd dated August 2017 accompanying application H22-0398-18;
Tree Report by Michael J. Sumner dated 18 July 2017 accompanying application H22-0398-18;
Drainage Strategy Report by William Saunders (Ref 11505/12 Rev B) dated June 2018 accompanying application H22-0398-18;
Details of external materials accompanying condition compliance application ref. H22-0222-19;
Details of foul water strategy and refuse collection shown on dwg. no. 11505 (SK) 03 accompanying condition compliance application ref. H22-0222-19;
Ground Gas Risk Assessment by Delta Simons Environmental Consultants Ltd (Project no. 19-0423.02) dated May 2019 accompanying condition compliance application ref. H22-0515-19;
Letter from EHT & C to D Brown Building Contractors Ltd dated 10 June 2019 relating to ground gas risk assessment accompanying condition compliance application ref. H22-0515-19;
Details of surface water drainage scheme shown on dwg. nos. 11505-(9)06A, 1505-(9)08A, 11505-(9)09A, 11505-(9)13, 11505-(9)30A, 11505-(9)31, 11505-(9)50C, 11505-(9)51B and 11505-(9)52A accompanying condition compliance application ref. H22-0629-19;
Storm Sewer Design by William Saunders accompanying condition compliance application ref. H22-0629-19;
Details of landscaping shown on dwg. no. WSD/19/01A accompanying condition compliance application ref. H22-0676-19;
Details of landscaping shown on dwg. no. WSD/19/02 accompanying condition compliance application ref. H22-0676-19;
Details of estate roads shown on dwg. no. 1505-(9)01-F accompanying condition compliance application ref. H22-0676-19;
Details of estate roads shown on dwg. no. 11505-(9)07-C accompanying condition compliance application ref. H22-0676-19;

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

2. The development shall be affordable housing to meet identified local housing needs as defined within Annex 2 to the National Planning Policy Framework, February 2019.

Reason: To ensure that the affordable dwellings are provided to meet identified local need. This Condition is imposed in accordance with advice within the National Planning Policy Framework, 2019 and Planning Practice Guidance.

3. The approved scheme of landscaping shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

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

4. Fencing 1.8 metres in height shall be erected along the eastern and southern boundaries of the site in accordance with details accompanying the application before any dwelling is occupied and shall thereafter be so maintained.

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

5. The following flood risk measures shall be fully implemented before any dwelling is first occupied:
- Finished floor levels shall be set in accordance with the approved details;
- Flood resilient construction shall be incorporated within the development up to 300mm above finished floor level in accordance with DCLG document "Improving Flood Performance of New Buildings - Flood Resilient Construction", 2007.
The mitigation measures shall be fully implemented prior to occupation.

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

Reason: To reduce the risk of flooding to the proposed development and future occupants.
This Condition is imposed in accordance with national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

6. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved, unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding and to ensure that the site is adequately drained and to avoid pollution.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

7. The development shall incorporate precautionary ecological measures and enhancements as detailed in Section 6 (Summary) of the Ecology and Protected Species Survey accompanying accompanying application H22-0398-18;

Reason: In the interest of nature conservation.
This Condition is imposed in accordance with national guidance contained in Section 15 of the National Planning Policy Framework, 2019.

8. Refuse collection points shall be provided in accordance with the approved details before any dwelling(s) to which they relate is brought into use and shall thereafter be retained.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

9. Prior to occupation of any dwelling, remedial action required in relation to landfill gas generation and migration shall be undertaken to safeguard future occupiers of the development in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To address pollution and to ensure a satisfactory development.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

10. 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 the approved details.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

11. The development shall be carried out in accordance with the approved surface water drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.

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 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

12. Note 1 - 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

13. Note 2 - Your attention is drawn to advice from Lincolnshire Police dated 8 May 2018 accompanying planning application H22-0398-18.

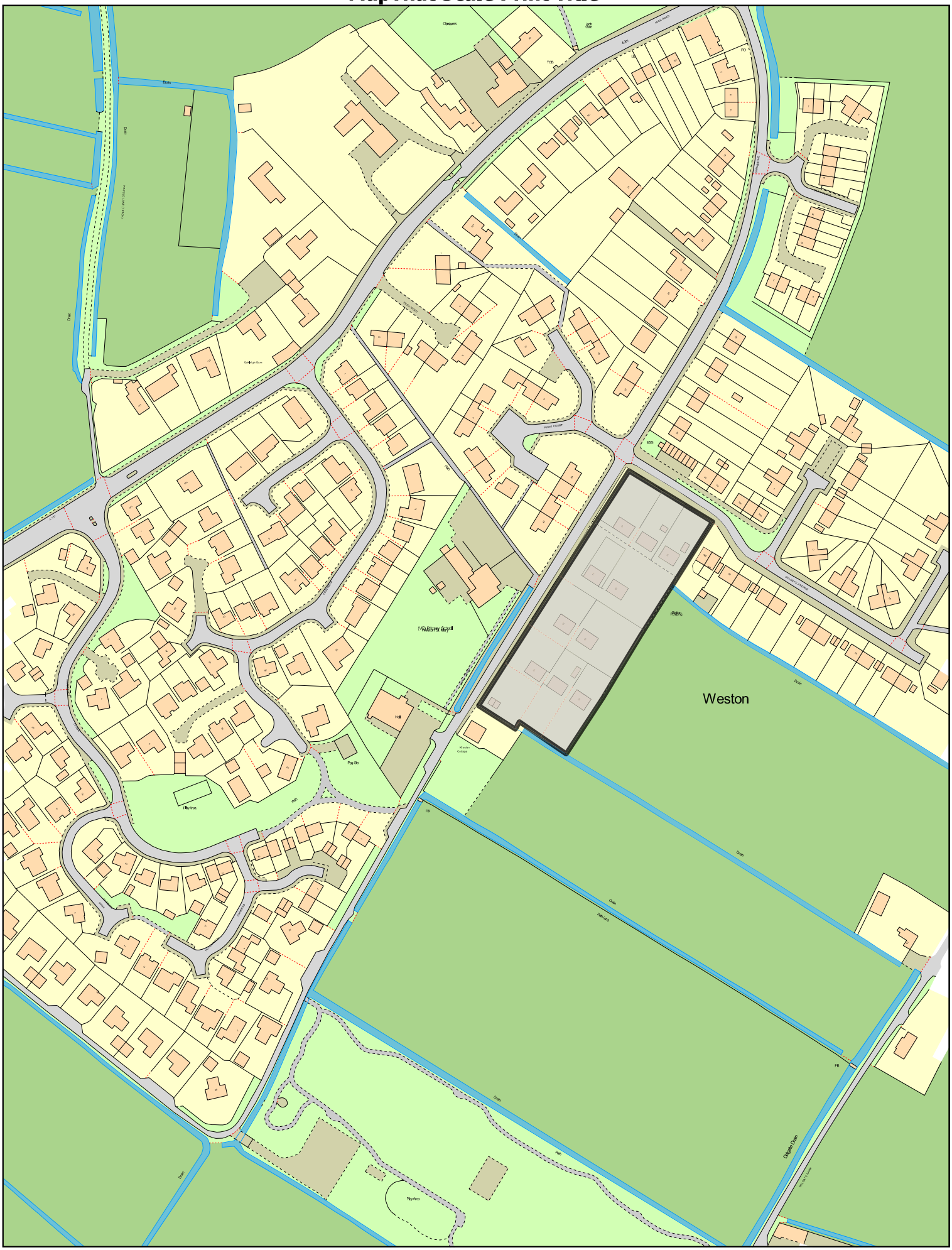
Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report: Appendix A - Plan A

MapThat Scale Print Title



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