

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 09 February 2022

(Author: Lucy Buttery - Principal Planning Officer)

Purpose: To consider Planning Application H22-0887-21

Application Number: H22-0887-21

Date Received: 19 August 2021

Application Type: FULL

Description: Erection of 68 dwellings and associated works

Location: Land North of High Road Weston Spalding

Applicant: Ashwood Homes

Agent: Ashwood Homes

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=H22-0887-21>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Objections raised and planning policy considerations that merit Committee consideration.

2.0 PROPOSAL

2.1 This is a full planning application for the erection of 68 dwellings and associated works on land north of High Road, Weston.

2.2 The proposals include a range of 2 storey dwelling types comprising of the following mix:
4 x 1 bed
18 x 17 bed
34 x 3 bed
12 x 4 bed

2.3 Matters relating to affordable housing are dealt with further below.

2.4 Vehicular access to the site would be served from a single point on High Road at the south-east of the site.

2.5 The site is to be connected to the existing public mains sewers for foul water disposal. In terms of surface water drainage, the proposal is to use a series of SUDS techniques to provide source control and attenuate flows from the site. The attenuated flows will be conveyed to the riparian drain on the northern boundary, which ultimately discharges to an IDB drain further north-east. There is a protected Horse Chestnut tree at the site frontage.

3.0 SITE DESCRIPTION

- 3.1 The site is approximately 2.9 hectares in size and is currently agricultural land. There is a smaller parcel of agricultural land to the west, with Baytree Garden Centre beyond. Further agricultural land lies to the north and east/north-east. The land to the east is a housing allocation in the Local Plan and has recently been the subject of planning applications for 150 dwellings (H22-1135-20 and H22-1249-21). The site adjoins 5 dwellings which front High Road. There is further residential development 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.

1 Spatial Strategy
2 Development Management
3 Design of New Development
4 Approach to Flood Risk
5 Meeting Physical Infrastructure and Service Needs
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
33 Delivering a More Sustainable Transport Network
36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards
APPENDIX 8 Developer Contributions for Education Facilities
APPENDIX 9 Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 2 - Achieving sustainable development
Section 4 - Decision making
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
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
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

- 5.1 H22-0489-21 - Outline - Residential Development - 8 dwellings (withdrawn July 2021)
- 5.2 H22-0754-18 - Outline - Residential Development for 51 Dwellings (approved March 2019)

6.0 REPRESENTATIONS

6.1 Weston Parish Council

Weston Parish Council unanimously agreed to object to this planning application at its meeting on Monday 13th September on the following grounds:-

- 1) The area is being over developed
- 2) Current Infrastructure is insufficient (i.e. Schools, Doctors surgeries etc.)
- 3) Noise and Pollution - Privacy overlooking other properties, namely No 163 High Road Weston.
- 4) Loss of high level agricultural land
- 5) Heritage- Area of important archaeology - the council requests an extensive archaeology search takes place.
- 6) Detrimental effect of wildlife habitat - in particular Bats roosting in the area.
- 7) Road Safety issues with extra traffic turning into and off High Road Weston
- 8) Tree Preservation order on Chestnut Tree on site.

The Parish Council have also submitted a request for a £40,000 financial contribution towards the replacement of swings and repair of equipment at Weston Playing Field as well as the provision of a trail and education materials and additional play equipment for Weston Park.

6.2 Anglian Water

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 of the development site. Anglian Water are 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.

The sewerage system at present has available capacity for use water flows.

6.3 Environment Agency

No objection subject to the development being carried out in accordance with the mitigation measures outlined in the submitted flood risk assessment.

6.4 South Holland Drainage Board

Highlights the relevant consents from the Board that may be necessary.

6.5 LCC Highways/SUDS

This site has had previous Outline Consent for residential development in the form of a small number of larger frontage plots along the north side of High Road and the remainder served from an adoptable cul-de-sac - as now proposed in this Application. High Road was the A151 prior to the construction of the Weston By-pass so its width and its construction are suitable to accommodate the movements of vehicles associated with the proposed development. High Road is subject to a 30mph speed limit and has speed attenuation features along its length that were provided as part of the Weston by-pass works. There is a footway along the north side (the site side) of High Road that can provide safe and suitable pedestrian access to the proposed development. The proposed point of access into the site has the prescribed standard of junction visibility for this scale of development and for the speed of traffic on the major road. The proposed frontage plots have turning areas within each so that drivers would be able to leave and enter High Road in a forward gear. The internal roads have been designed to meet the highway authority's standards for adoptable road with just a few short private areas providing access, manoeuvring and parking spaces for the adjacent dwellings. The adoptable estate roads have generally a single footway on one side of the carriageway and a filter strip on the opposite side to collect, condition and convey highway surface water run-off. This water will pass through a control device that will restrict the maximum rate of discharge into a riparian watercourse running along the north side of the site and then past adjacent land to discharge into an Internal Drainage Board maintained watercourse adjacent to the by-pass. The riparian watercourse is adequate to convey the attenuated surface water discharge from the proposed development. Water that is held back by the control device is to be stored in an attenuation area or balancing pond in the north corner of the site. It is being proposed that the upper part of the filter drains the gullies and their connections (where filter drains cannot be made to work), will

be adopted by the highway authority and lead local flood authority with the remainder of the system adopted by Anglian Water. This may not extend to the attenuation area/balancing pond which may have to be maintained by a private Management Company.

6.6 NHS

Evidence backed financial contribution request of £44,880 towards a new purpose built health centre/primary care facility or extension to existing facility in Spalding/Holbeach.

6.7 LCC Education

Requests financial contribution of £206,769 towards an extension of an existing Spalding secondary school or towards the land or build of a new secondary school in Spalding to accommodate additional secondary and sixth form places.

6.8 SHDC Strategic Housing

Policy 18: Affordable Housing of the Local Plan recommends that a tenure split of 70% in favour of Rented and 30% Intermediate housing for sale dwellings will be sought, whilst appreciating that this may vary on a site by site basis due to factors such as viability or affordable housing need.

I note from the site plan that the developer proposes to deliver 17 affordable homes currently listed on the plot schedule as 13 for rent (4 x 1 bed houses, 8x 2 bed houses and 1 x 3 bed house) and 4 shared ownership (2 x 2 bed houses and 2 x 3 bed houses). To best meet housing need the applicant should consider amending the plans to deliver 12 rented homes comprising of 4 x 1 bed houses, 6 x 2 bed houses and 2 x 3 bed houses and 5 shared ownership homes comprising of 3 x 2 bed houses and 2 x 3 bed houses.

As per Policy 6: Developer Contributions it would be preferable for the affordable housing to be secured through a s106 agreement. The s106 agreement should include an agreed affordable housing scheme detailing the tenure split, property types and sizes, plot numbers, internal floor areas, design standards and the phasing of the affordable housing units.

It would be preferable for the homes to be built to the 'Nationally Described Space Standards' at 1 bed 2 person 2 storey, 2 bed 4 person 2 storey and 3 bed 5 person 2 storey, although this is encouraged but not a requirement of policy. Local policy also encourages homes that are capable of adaptation over time so it would be useful to understand if any of the homes are proposed to meet either M42 or M43 standards. It would also be useful to understand if the homes are proposing any net zero carbon initiatives, again encouraged but not a policy requirement. Ideally the affordable housing should be spread proportionately across the scheme to enable a mixed and sustainable community.

6.9 SHDC Building Control

No comments.

6.10 SHDC Environmental Protection (noise and odour)

No objection. Requests a construction management plan condition.

6.11 SHDC Environmental Protection (contaminated land)

I have reviewed the GeoDyne report 'High Road Weston Combined Phase I Desk Study and Phase II Exploratory Investigation' Project No: D41072 Date: 30th July 2021 issue v1.1 and am in general agreement with the findings. I request the following two conditions be placed on any permission granted:

1. i) Prior to the commencement of any development details of precautionary ground gas protection measures shall be submitted to and approved in writing by the Local Planning Authority.

ii) Prior to the first occupation, a suitably detailed ground gas verification report shall be submitted and approved in writing by the Local Planning Authority.

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

Environmental Health. An investigation and risk assessment must be undertaken in accordance with details to be agreed with Environmental Health. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by Environmental Health. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by Environmental Health.

6.12 LCC Historic Environment Officer

This office has commented on previous proposals for this site, and we would like to reiterate our earlier advice that the site should be subject to an archaeological evaluation.

The proposed development is situated away from the historic centre of Weston, but in an area that has previously produced evidence for Saxon settlement and other activity, as well as earlier remains from the Roman period. These were revealed during evaluation ahead of the construction of the Weston bypass, and in evaluation trenching associated with the adjacent proposed housing development to the east of this site on the north side of High Road.

A small area of geophysical survey within the proposed development associated with a previous application on this site has already revealed anomalies which may be indicative of archaeological remains surviving within the area to be developed.

This present application includes a Heritage Statement that considers the potential impacts on below ground remains based on the previous fieldwork discussed above. The statement notes that the development would be most likely to have a direct impact on archaeological remains during site preparation, construction and landscaping. It goes on to recommend that archaeological fieldwork may therefore be required, beginning with a geophysical survey of the rest of the site that has not already been investigated. This office agrees with this approach, but we would advise against this being carried out post-determination by condition as a form of mitigation. This is because the results of the field evaluation should be provided to the local planning authority in order that the potential impacts can be fully understood as part of the decision making process.

6.13 Lincolnshire Wildlife Trust

Gives general advice regarding measures to enhance biodiversity in public open spaces, landscaping and SUDS schemes, as well as to avoid lighting overspill harming bats.

Water vole are a protected species and thought to be present on one of the drains adjacent to the proposed development site. The Preliminary Ecological Appraisal suggests a 5m buffer zone to exclude working or disturbance in this area. The 5m buffer zone should be included in the plans and conditioned and the developer should be made fully aware of his responsibilities. If any drainage associated with the works is required into the drain in question the impacts on water vole may need further consideration.

The enhancements suggested in the Preliminary Ecological Appraisal of Land at High Road, Weston (Hillier Ecology dated August 2021) could include more enhancements for greater biodiversity benefit. We welcome nesting provision for birds and bats and boxes and raised fencing for hedgehog. Providing diverse habitats around the site would offer foraging opportunities for a variety of species and would make the site more attractive and interesting for residents.

6.14 SHDC Tree and Nature Conservation Officer

The continued existence of the preserved Horse Chestnut Tree should not be in question and root protection area should not be encroached upon. A no-dig method should be used for the construction of driveways adjacent to the tree.

6.15 Lincolnshire Bat Group

With reference to the Preliminary Ecological Appraisal - This is an adequate report and we would endorse Lincolnshire Wildlife Trust's observations. With regard to integrated bat boxes note they should be sited away from above doors and windows, where any droppings could cause nuisance problems, and lighting should follow standard advice from the Bat Conservation Trust, as noted elsewhere.

6.16 Public (7 objections/comments received, summarised)

- Overdevelopment
- Concern re highway safety and capacity; parking provision
- Loss of agricultural land
- No more large housing estates required in Weston
- Concern re capacity of infrastructure and need for new services and facilities
- Properties on High Rd frontage changed from bungalows indicated in the outline proposal to houses
- Loss of privacy
- Impact on existing drainage system
- Concern re noise and air pollution generated by construction and new dwellings
- Flood risk
- Installation of 3 swift nest bricks per building recommended

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Principle

7.3 The site is located within the settlement boundary for Weston as set out in South East Lincolnshire Local Plan (2019) and is a housing allocation (ref. WSN029). The site also benefits from an outline permission for residential development (ref. H22-0754-18), which is due to lapse in March 2022. The principle of residential development on the application site has therefore already been established.

7.4 Design, layout and density

7.5 A mix of thirteen house types are proposed, mostly detached and semi-detached, with three short terraces. There is therefore ample variety across the scheme in terms of the types of houses that it would deliver. In terms of scale, all properties would be 2 storey and would be in keeping with the scale of existing development in the vicinity, where there are a large proportion of 2 storey dwellings.

7.6 With regard to materials, the proposal is for red and cream/buff brick types and a combination of roof tiles of red and slate in colour. The proposed design of dwellings is typical of those seen on the applicant's other schemes more widely in the district. Given that existing development in the vicinity is varied in terms of appearance, the visual appearance of the proposed dwellings is considered appropriate from an officer perspective. Surrounding properties within the wider village are of a variety of ages, types and design, with some relatively modern examples in the vicinity. As such, the development is not considered to be out of character with its surrounds.

7.7 Concern has been raised regarding the overall density of the scheme. The site is approximately 2.9ha in size, which results in a density of approx. 23 dwellings/ha. Policy 11 of the Plan sets out all housing allocations and indicates that WSN029 has a capacity of 57 dwellings, which is based on a density of approx. 20/ha. However, at paragraph 5.3.9 of the Local Plan, it is stated that this is only a 'broad indication' and that the 'stated capacity is not necessarily a maximum or, in some cases, a minimum capacity that would be expected on each site; viability, design, constraints and the most efficient use of land in delivering new homes should be the primary considerations in meeting housing needs'. It was therefore not anticipated that 57 dwellings for WSN029 should be considered either a maximum or minimum, but rather a broad indication of what may be acceptable. If a proposal is acceptable in all other regards, it could therefore follow that a higher capacity may be permitted.

7.8 The majority of dwellings are to be served by adoptable road with private drives predominantly at the edges of the site, offering a varied and more informal appearance to parts of the development. The maximum number of properties that would be located on any private drive is 5 and none would be further than 30m from the front door to the back edge of the highway where a bin collection point is sited.

- 7.9 The submitted flood risk assessment recommends that finished floor levels are set 500mm higher than the existing ground level. At such a height it is not considered that the raising of floor levels of the proposed properties would have a material adverse visual impact in the wider street scene.
- 7.10 Taking all of the above into account, it is concluded that the design, layout and density of the scheme satisfactorily accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; and size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.
- 7.11 Private drives
- 7.12 A recently published Council guidance note entitled 'Private Drives - Waste Vehicle Collection Service' sets out a hierarchy for developers to follow when considering waste collection arrangements and private drives. This guidance is not adopted planning policy and as such can only be given limited weight in planning terms. However, it is a material consideration. The relevant section of this guidance note states:
- 7.13 *"The Council, as local planning authority, is obliged to take into account the Council's adopted waste collection policy when determining planning/condition compliance applications for waste collection details as it should avoid approving waste collection schemes which are not capable of being provided. The following guidance is therefore provided for developers when seeking planning permission for new developments. The guidance seeks to ensure that developers are fully aware of waste collection issues when submitting planning applications with a view to avoiding later problems, such as poor design under policy 3 of the South East Lincolnshire Local Plan (Adopted March 2019). The following does not constitute adopted planning policy.*
- 1. It is firmly recommended that new developments should seek to minimise private drives when preparing and submitting planning applications. Access roadways to all residential properties should normally be constructed to an adoptable standard under an agreement with Lincolnshire County Council so that they will become public highways to enable refuse/recycling collections to be carried out from outside individual properties without the need for communal waste collection points at the point where private driveways adjoin public highways. This is the preferred solution of the Council as waste collection authority from an operational perspective. Furthermore, it avoids the potential impacts of unmanaged depositing of waste, which can lead to unacceptable impacts upon the visual and residential amenity of communities.*
 - 2. Where private drives are unavoidable, the Council would expect to see no more than 6 properties from any one private drive and a carrying distance of less than 30m. In order to judge the suitability of proposals to be served from private drives, the Council will apply a carrying distance of no greater than 30m measured from the nearest point of the plot adjacent to the private drive. This is reflective of Building Regulations Guidance on carrying distances for waste from households. Developers are advised to contact the waste collection service to determine the proposed collection point.*
 - 3. Should the proposal include a joint storage area for waste, this will serve no more than 6 properties and should be sited on land owned by a proprietor of the private drive. Storage areas should still allow for collection of the waste by the Council from the public highway. An area of 800mm x 800mm should be provided for each property using the collection point. Design and siting will be expected to take account of impact upon both visual and residential amenity and demonstrate how these impacts have been minimised. Definitive information on the on-going maintenance and responsibility for waste collection points will be required to protect against unmanaged depositing of refuse. The Council may take appropriate enforcement action if the waste collection point is not reasonably maintained.*
 - 4. Where private drives are included in a development proposal and the above criteria cannot be met then it may be possible to provide for a private waste collection from individual properties. This would avoid the impacts arising from unmanaged depositing of waste. This may necessitate the developer entering into a section 106 agreement to ensure future delivery of the service.*
 - 5. If a private waste collection is not deliverable it is expected that private drives will be*

minimised through the design or re-design of the scheme to avoid the above concerns.

The Council will apply the above hierarchical approach to waste collection solutions on new developments. It will achieve this via negotiation at pre-application stage, during consideration of planning applications and the discharge of planning conditions. Standard conditions will be applied in relation to roads being constructed to adoptable standard and, on outline planning applications, securing details of waste collection. Full and reserved matters applications will be expected to include full details of the waste collection solution to be secured up-front.

Where all of the above measures have been reasonably exhausted, the Council may agree to collect waste from private drives in exceptional circumstances."

- 7.14 In terms of the above, clearly there are a small number of private drives proposed as part of the scheme (6 no.), which serve approximately 24% of properties on the development. This is not an excessive number. Furthermore, no more than 6 properties are served by any private drive and all refuse/recycling collection points proposed are no greater than 30m from the nearest point of the plot adjacent to the private drive. The collection points shown accord with the 800mm x 800mm size that the guidance suggests should be provided for each property using the collection point. With regard to amenity, appropriate screening to minimise visual impact can be considered as part of the wider landscaping proposals (to be secured by condition). Details of on-going management and maintenance of these points can also be secured by condition.
- 7.15 On this basis, officers are of the view that the proposed private drive and waste collection arrangements satisfactorily comply with the hierarchy and considerations outlined above.
- 7.16 Open space and landscaping
- 7.17 The open space provision on the site comprises of a large area at the north of the site and a strip along the north-western boundary. The latter is effectively the easement to the riparian drain and given its width (approx. 5m) is limited in terms of functionality. The northern area will be multifunctional, being a dry pond that forms part of the overall surface water drainage strategy for the development. In total, these spaces amount to around 0.4ha. This level of open space exceeds the 0.12ha (approx.) required by Policy 32 of the Local Plan.
- 7.18 No details on landscaping have been provided to date, but this can be secured by condition.
- 7.19 Highway matters and parking provision
- 7.20 Concerns have been raised in relation to highway matters - specifically, highway safety and capacity.
- 7.21 The Highway Authority have been consulted as part of the application process and have commented that:
"This site has had previous Outline Consent for residential development in the form of a small number of larger frontage plots along the north side of High Road and the remainder served from an adoptable cul-de-sac - as now proposed in this Application. High Road was the A151 prior to the construction of the Weston By-pass so its width and its construction are suitable to accommodate the movements of vehicles associated with the proposed development. High Road is subject to a 30mph speed limit and has speed attenuation features along its length that were provided as part of the Weston by-pass works. There is a footway along the north side (the site side) of High Road that can provide safe and suitable pedestrian access to the proposed development. The proposed point of access into the site has the prescribed standard of junction visibility for this scale of development and for the speed of traffic on the major road. The proposed frontage plots have turning areas within each so that drivers would be able to leave and enter High Road in a forward gear. The internal roads have been designed to meet the highway authority's standards for adoptable road with just a few short private areas providing access, manoeuvring and parking spaces for the adjacent dwellings."
- 7.22 Given that the Highway Authority have not objected to the proposed access and road arrangements, it is not considered that there is a defensible reason for refusal on these grounds and the proposal satisfactorily accords with Policy 2 of the Local Plan which requires it to be demonstrated that access and vehicle generation levels will be acceptable.

- 7.23 In terms of the internal road arrangements, there would be a combination of adoptable estate road and short private drives. There is therefore a need to provide collection points for refuse/recycling and these points are indicated on the layout plan where relevant. Details for the management and maintenance of these points will be secured by condition.
- 7.24 In terms of parking arrangements, Appendix 6 of the Local Plan sets out parking standards for residential dwellings and states that 2 vehicle parking spaces are required for dwellings with up to 3 bedrooms and 3 vehicle parking spaces are required for dwellings with 4 or more bedrooms. The proposed vehicle parking arrangements are in accordance with this.
- 7.25 Residential amenity
- 7.26 It is not considered that the proposed development would have a material adverse impact on the amenity of any properties off-site.
- 7.27 There is at least a 20m separation distance between the rear elevation of no's 183, 185, 187 and 189 High Road and the only side facing elevations to the first floor of proposed properties are to bathrooms, and would therefore be obscure glazed. Plot 68 has two windows facing 183 High Road - bathroom (obscure glazed) and kitchen (an appropriate boundary treatment along this side will prevent material overlooking).
- 7.28 It is noted that there are a number of side facing windows to 183 High Road, but the only side facing windows to the Tay type dwelling (proposed adjacent) are to non-habitable rooms. Whilst it is acknowledged that there would likely be some impact on light to some of the facing windows, the proposed dwelling lies to the north-east and thus this impact would be minimal overall and limited to early mornings. Furthermore, at least some of the rooms that these windows serve also have windows on other elevations to provide light and sufficient outlook.
- 7.29 In terms of the relationship with no. 163 High Road, Plot 61 lies immediately to the south-east and a single-storey garage would be sited adjacent to the boundary. No. 163 has a staggered elevation with windows facing forwards and towards the site. There is an approximate 8m separation distance between the side of the garage and the opposing windows of 163, which is just satisfactory given the single-storey nature. The garage is at an angle from the front facing windows and thus impact is minimised in this regard. The dwelling on Plot 61 is a minimum of 14m from the windows of no. 163, which is acceptable in planning terms and the only first floor facing window would be obscure glazed. Plot 60 is set at an angle to this dwelling, as is Plot 58 to the rear with in excess of a 15m separation distance.
- 7.30 The proposed frontage dwellings are tantamount to a normal frontage relationship with properties on the opposite side of High Road.
- 7.31 Within the site, the preferred 21m separation distance between rear windows has been observed across the vast majority of the scheme. Where the rear of properties face a side elevation of another, at least a 12m separation distance has been observed, which is typically seen as an acceptable standard to apply. The orientation of dwellings and positioning of fenestration is such that there should be no material overshadowing or daylight issues to habitable spaces.
- 7.32 Notwithstanding the above, consideration must also be had to the impact that raising finished floor levels might have on neighbouring amenity. The submitted flood risk assessment recommends that finished floor levels are set 500mm higher than the existing ground level. It is not uncommon for new properties to be raised to this extent next to existing properties and adequate levels of amenity can typically be achieved by ensuring that appropriate boundary treatments are in place. Full details of existing and proposed floor and ground levels (including cross-sections where relevant) can be secured by condition, as can boundary treatment details.
- 7.33 In terms of external space, size of rear of gardens are comparable to those provided on other new developments in the district.
- 7.34 The A151 Weston Bypass is located approx. 120m north of the site at the closest point. At such a distance, there would not be a material adverse impact from road noise on the occupants of

the proposed dwellings.

- 7.35 Overall, there are not considered to be any significant or demonstrable adverse impacts relating to residential amenity that would warrant refusal of this proposal. The proposal is considered to accord with Policies 2, 3 and 30 of the Local Plan in respect of their provisions on residential amenity.
- 7.36 Flood risk and drainage
- 7.37 The site is a housing allocation in the Local Plan and is therefore a sequentially preferable site in flood risk terms.
- 7.38 The submitted Flood Risk Assessment identifies that finished floor levels of dwellings should be set at 500mm above existing ground level, with 300mm flood resilient construction above the anticipated maximum flood level. The Environment Agency have no objection to the application on flood risk grounds subject to the development being carried out in accordance with the measures specified in the Flood Risk Assessment.
- 7.39 Full details of surface water drainage will be secured by condition but it may be possible to utilise a combination of infiltration (where ground conditions allow - subject to further testing), filter drains and an attenuation basin (north-eastern corner of site). It is known that any attenuated flows will be conveyed to the riparian drain on the northern boundary, which ultimately discharges to an IDB drain further north-east. South Holland Drainage Board and the Lead Local Flood Authority have no objections to the proposed surface water drainage strategy.
- 7.40 In terms of foul water disposal, connection would be made to the existing Anglian Water system, who have advised that the foul drainage from this development is in the catchment of Moulton Water Recycling Centre. This currently does not have capacity to treat the flows the development, however Anglian Water are 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. In light of the fact that Anglian Water have no objection to the development, it is the view of officers that there is not a defensible reason to refuse the application on the basis of foul water concerns.
- 7.41 Given the above, it is considered that the proposed drainage scheme and flood mitigation measures accord with Policies 2, 3 and 4 of the Local Plan which require proposals to provide appropriate means of drainage and flood defence.
- 7.42 Viability and developer contributions
- 7.43 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.
- As such, requests for financial contributions have been made by the NHS and Education Authority, as below:
- £44,880 towards a new purpose built health centre/primary care facility or extension to existing facility in Spalding/Holbeach.
 - £206,769 towards an extension of an existing Spalding secondary school or towards the land or build of a new secondary school in Spalding to accommodate additional secondary and sixth form places.
- 7.44 In addition, Weston Parish Council have requested a financial contribution of £40,000 towards the replacement of swings and repair of equipment at Weston Playing Field as well as the provision of a trail and education materials and additional play equipment for Weston Park.
- 7.45 The applicant has not sought to challenge the requested contributions on viability grounds and these contributions would be secured via a legal agreement if permission were to be granted.

- 7.46 Affordable housing
- 7.47 Policy 18 of the Local Plan requires the provision of about 25% affordable housing on-site on market schemes in South Holland.
- 7.48 For a development of 68 dwellings, this requirement equates to 17 affordable dwellings. Strategic Housing's preferred affordable mix is 12 x affordable rent (4 x 1-bed, 6 x 2-bed and 2 x 3-bed) and 5 x shared ownership (3 x 2-bed and 2 x 3-bed).
- 7.49 The affordable housing scheme proposed accords with the above mix.
- 7.50 Whilst it is preferable for affordable dwellings to be distributed across a site, similar numbers of units have been accepted clustered together on other schemes in the district.
- 7.51 Ecology
- 7.52 In terms of ecological matters, a condition can be added to require that it be demonstrated that Biodiversity Net Gain will be achieved on site and the recommendations of the Preliminary Ecological Appraisal will be conditioned.
- 7.53 A survey of the drain on the north-western boundary found evidence of water vole, which are protected species. Given that the proposal is for surface water to be discharged into this drain, further survey work is required and will therefore be conditioned to take place prior to commencement of development.
- 7.54 The Horse Chestnut tree on the site frontage is protected and the layout has been amended to ensure its retention.
- 7.55 The above conditions will ensure that the development satisfactorily complies with Policies 2, 3 and 28 of the Local Plan.
- 7.56 Other considerations
- 7.57 Evaluation trenching relating to archaeology is due to commence on week commencing 31st January, shortly after this report is due to be finalised. Scope will therefore be incorporated in the officer recommendation to allow for archaeological conditions to be added if required.
- 7.58 The site is allocated for housing in the local plan and issues such as infrastructure capacity, number of amenities located in the town, loss of agricultural land and an increase in pollution (air and noise) from vehicles were considered through the plan making process. Both the NHS and Education Authority have requested financial contributions towards improving healthcare and education provision/services, which shall be secured by legal agreement.
- 7.59 Issues such as noise and air pollution during the construction period is a consideration, however it is one that carries limited weight in the overall planning balance. A condition can be added requiring the submission of a Construction Management Plan prior to commencement of development, which covers matters such as working hours and measures for controlling noise, vibration, dust and mud.
- 7.60 A condition requiring the installation of 3 swift nest bricks to provide enhancement for biodiversity can be included.
- 7.61 The previous application was in outline with all matters reserved, whereby the plans are treated as indicative only. The scale of any dwellings indicated is not binding on any future application. In any case, the present application is full, rather than reserved matters, and all aspects are again open to consideration.
- 7.62 A Preliminary Ecological Appraisal (PEA) has been undertaken but it is the Council's standard

practice to not make such documents publicly available given that they may contain sensitive information regarding protected species and habitats. Lincolnshire Bat Group and Lincolnshire Wildlife Trust have viewed the PEA and have no objection subject to the recommendations being conditioned.

7.63 Planning Balance

7.64 The principle of residential development on this site has already been established by virtue of the housing allocation in the Local Plan. 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. It is not considered that there is a justifiable reason to withhold permission on highway grounds and a policy compliant level of developer contributions is proposed.

7.65 Overall, it is considered that the planning balance is in favour of the proposal.

7.66 Conclusion

7.67 In light of the above considerations, the proposal is considered to be in general accordance with Policies 1, 2, 3, 4, 6, 10, 11, 18, 28 and 32 of the South East Lincolnshire Local Plan (2019), as well as guidance in the National Planning Policy Framework (2021).

7.68 **Additional Considerations**

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

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

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

Human Rights

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

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

8.0 RECOMMENDATIONS

- 8.1 **Authorised to Grant Permission subject to the applicant entering into a Section 106 Agreement to secure the delivery of 17 no. affordable dwellings of the mix set out above, an education contribution of £206,769, an NHS contribution of £44,880 and a Parish Council contribution of £40,000, and those Conditions listed at Section 9.0 of this report, plus relevant archaeology conditions dependant upon the outcome of evaluation trenching.**

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:

131-LP-01 Rev A
131-SL-01 Rev F
131-SL-02 Rev C
131-BT-01 Rev D
131-MSL-01 Rev D
A538(R)-001
A732(R)-001
A902(R)-001
AIRE-001
AVON-001
CLYDE-001
DEE-001
LOCK-001
MERE-001
NENE-001
OUSE-001
RIBBLE-V-001
SEVERN-001
SEVERN-002
STAMFORD-002
STAMFORD-003
19.0-TAY-002
19.0-TAY-003
131-DG-001
131-DGH-001
131-DSG-001
131-SG-001

4322.Weston.Seagate.AIP Rev A

4322.Weston.Seagate.TPP Rev A

Preliminary Ecological Appraisal (prepared by Hillier Ecology Limited, dated August 2021)

Arboricultural Implications Assessment (prepared by Andrew Belson, dated 23rd July 2021)

Flood Risk Assessment (prepared by Millward Consulting Engineers, dated August 2021)

Heritage Statement (prepared by Archaeological Project Services, dated April 2021)

Geophysical Survey (prepared by Archaeological Project Services, dated October 2021)

Combined Phase I Desk Study and Phase II Exploratory Investigation (prepared by DeoDyne Ltd, dated 30th July 2021)

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

3. i) Prior to the commencement of the development hereby permitted, details of precautionary ground gas protection measures shall be submitted to and approved in writing by the Local Planning Authority.
- ii) Prior to the first occupation of each dwelling, a suitably detailed ground gas verification report shall be submitted and approved in writing by the Local Planning Authority.

Reason: 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.

4. 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 include details of;

- how disturbance during the construction process through noise, dust, vibration and smoke shall be minimised;
- 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;
- the routes of construction traffic to and from the site including any off site routes for the disposal and excavated material; and
- 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

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

Reason: In the interests of the safety and free passage of those using the adjacent public highway, 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 and to ensure that suitable traffic routes are agreed.

This Condition is imposed in accordance with Policies 2, 3, 4 and 30 of the South East Lincolnshire Local Plan, 2019.

5. 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.

6. The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;
- provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

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 permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development.

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, 2021.

7. Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

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

Reason: To reduce the risk of flooding of the 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 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

8. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (prepared by Millward Consulting Engineers, dated August 2021) forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before a property is first occupied:

- Finished floor levels of the dwellings are to be set 500mm higher than the existing ground level with flood resilient construction 300mm above the anticipated maximum flood level. Where any finished floor levels of dwellings are 800mm or above existing ground then flood resilient measures are not required.

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.

9. The development hereby permitted shall not be commenced until further survey work has been carried out to ascertain whether water voles are present in the drain to the north-western boundary and how they use this drain. Mitigation measures shall be proposed which show how any negative effects to these protected species will be avoided, reduced or managed.

N.B. Survey(s) should be consulted by an ecologist experienced in water vole ecology.

Please see the relevant standing advice for water voles at: <https://www.gov.uk/guidance/water-voles-protection-surveys-and-licences>

Reason: In the interests of avoiding harm to protected species.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

10. Before the commencement of the development hereby permitted beyond oversite, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

NOTE: The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.0 (or any successor).

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set, and that Biodiversity Net Gain will be achieved.

This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

11. Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Fencing shall not be erected within the Root Protection Area of the preserved Horse Chesnut tree.

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

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

12. Before the commencement of development hereby permitted, details of the management and maintenance schedule for the areas of landscaping, incidental open space, refuse/recycling collection points and parking courts/private drives shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be maintained in accordance with the approved details.

Reason: To ensure that adequate provision is made for the management and maintenance of the those areas.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

13. Notwithstanding the conclusions of the Arboricultural Implications Assessment (prepared by Andrew Belson, dated 23rd July 2021) or the annotations on dwg. no's. 4322.Weston.Seagate.AIP Rev A and 4322.Weston.Seagate.TPP Rev A, the Horse Chestnut tree on the site frontage shall not be removed.

Reason: To ensure the retention of a preserved tree.

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 15 of the National Planning Policy Framework, 2021.

14. The Horse Chestnut tree on the site frontage shall be protected during construction work as follows:

i) chestnut pale or similar fencing 1.5 metres in height shall be provided around the tree before development is commenced at a minimum distance from the trunk equal to the spread of the crown of the tree. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made,
ii) no burning of materials or other items shall take place within 3 metres of the crown spread of the tree;
iii) no services shall be routed under the spread of the crown of the tree;
iv) The tree shall not cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority;
v) If the tree dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.
vi) A 'no dig' method shall be used where any proposed driveway is likely to be in the Root Protection Area of the tree. A cellular confinement system filled with gravel or other permeable filling is likely to be appropriate as a surface treatment to help prevent compaction of soil over tree roots and allow the free flow of water and oxygen. Construction should take note of the Arboricultural Advisory and Information Service publication: APN 12 Driveways Close to Trees.

Reason: To ensure the protection of a preserved tree.

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 15 of the National Planning Policy Framework, 2021.

15. Three swift nest bricks shall be incorporated within the external walls of the 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.

16. The development hereby permitted shall be carried out in accordance with the recommendations set out in Section 8.0 of the Preliminary Ecological Appraisal Report (prepared by Hillier Ecology, dated August 2021).

Reason: In the interests of biodiversity.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

17. 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.

18. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.
- This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>
19. The applicant is reminded that it is an offence under the Wildlife and Countryside Act, 1981 (as amended) to kill, injure, or take (handle) any protected species occupying a place of shelter or protection and also to take, damage or destroy the nest of any wild bird while that nest is in use or being built. If evidence of bats is found before or whilst the work is carried out you are advised to contact Natural England at their Lincoln office (telephone 03000 603900).
20. 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.
21. 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 Environmental Health. An investigation and risk assessment must be undertaken in accordance with details to be agreed with Environmental Health. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by Environmental Health. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by Environmental Health.
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	rfdler@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

