SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 21 July 2021**

(Author: **Lucy Buttery - Principal Planning Officer)**

Purpose: **To consider Planning Application H22-1135-20**

Application Number:	H22-1135-20	**Date Received:**	15 December 2020
Application Type:	FULL		
Description:	Residential development for the erection of 150 dwellings and associated open space and infrastructure		
Location:	Land to the North West of High Road Weston Spalding		
Applicant:	Persimmon Homes	**Agent:**	Persimmon 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=H22-1135-20

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Significant development and objections received.

2.0 PROPOSAL

2.1 This is a full planning application for the erection of 150 dwellings and associated open space and infrastructure on land to the north west of High Road, Weston.

2.2 The proposal comprises of a variety of detached and semi-detached dwellings, small terraces and cluster houses. 112 market and 38 affordable dwellings are proposed, comprising of the dwelling mix below:
Market - 18 x 2 bed, 69 x 3 bed and 25 x 4 bed
Affordable - 8 x 1 bed, 16 x 2 bed, 13 x 3 bed and 1 x 4 bed

2.3 Access would be off High Road with dwellings being accessed off a combination of estate road and private drives.

2.4 A large area of open space (incl. play area) is located at the centre of the site, with an approx. 34m buffer (comprising of flowering meadow grassland and amenity grassland) at the north of the site, and a drainage basin at the north-west. A detailed landscaping scheme is proposed throughout.

3.0 SITE DESCRIPTION

3.1 The site is approximately 6.13 hectares in size and is currently agricultural land. There is further agricultural land to the north, beyond which is the A151 Weston bypass. A single bungalow lies immediately to the west, which fronts High Road, and a small number of dwellings to the east off Pinfold Lane, some of which are currently under construction. There is more extensive residential development to the south on the opposite side of High Road. To the front of the site is a footway and bus stop.

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 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
32 - Community, Health and Well-being
36 - Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework (NPPF), 2019

Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
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

4.2 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H22-0101-16 - Outline application for residential development (approved July 2018)

6.0 REPRESENTATIONS

6.1 Weston Parish Council

SHDC have by their admission failed to maintain their 5-year housing plan, which in essence has failed to deliver quality and affordable housing developments in line with the Governments white paper and targets.

In 2016 SHDC put forward 13 sites that they considered to be suitable for new housing developments in Weston village.

This, after public consultation and lobbying from this Council was reduced to just 4 sites, including the site in Small Drove, which was deferred by the planning committee, which meant it went to a judicial review by the Inspectorate, who later found in favour of the development.

This left three sites, 2 on the High Rd adjacent to each other and the site at the far end of Small Drove, which became an extension of the Dean Close housing site, which this Council raised no objections.

The remaining two sites are currently used as prime agricultural land and if development were allowed then we would lose the use to the whole country for food produce, if you take into account that Lincolnshire is the largest producer of agricultural food stuffs for the whole of the UK, something that was highlighted late in 2017 by a Government minister who stated on television that after Brexit the UK would need to produce more of its own food to stop the obvious increase food price rise by leaving the EU.

If all these planning applications go through the village of Weston would increase by some 67% at a time when we have one shop/post office, a public house, a church which currently has no permanent vicar and a small primary school which has a limit of 57 pupils and is at its capacity now.

The other big issue surrounds infrastructure which according to the Governments white paper "should be delivered alongside any new development".

However, a planning officer from this SHDC back in 2016 claimed "there is no money for infrastructure", so I and the residents of Weston, and I suggest for the wider area of South Holland would be interested in any plans SHDC has for infrastructure considering the potential of large estates being proposed.

Lastly, by using a legal loophole, developers who can prove that a new development with affordable/social housing is not viable for the number of units to be built can decrease that number and therefore not be liable to contribute their S106 funding to Education, Medical and Highways, which in essence means that a slightly smaller development could be built but with no S106 contribution to infrastructure either by the developer or SHDC.

In the opinion of both the residents and Weston Parish Council the objections to any or all these proposed developments are: -
Over development
Building not in keeping with a rural setting
Increased Traffic flow
Safety issues
Increased noise
Potential Privacy invasion
Environmental Issues (Increased Pollution, Risk of flooding in surrounding area)
Lack of planned Amenities/Infrastructure
Loss of Prime Agricultural Land

The residents and the Parish Council believe that these objections qualify for this committee to seriously debate this application and consider the wider consequences should this application be successful.

Lastly, we would ask the committee not to be influenced by either Government or Local dictate, but to consider the needs of the residents and not that of landowners/developers or District Council, and we therefore look to our elected Council members to support their constituent's views and needs.

6.2 Cllr Casson

One of my main concerns is sewage, which I always mention. Is Anglian Water going to do any upgrading to their System in the village? It has been a problem in the village for many years and it just can't take any more without upgrading it.

6.3 Cllr Woolf

Due to the size and the impact this development will have on the village of Weston, it is essential this application is debated at Planning Committee.

6.4 Rt Hon Sir John Hayes

Objects and requests that the application be determined by Planning Committee. Expresses concerns regarding the overdevelopment of the site, along with the impact this number of dwellings will have on the village. Other concerns raised include loss of prime agricultural land, properties out of keeping with the historic village, significant increase in traffic movements, noise pollution and strain on local services, and site falls within a flood risk area.

6.5 South Holland Drainage Board

No objection to the proposal to discharge surface water to the Board Adopted watercourse to the north of the site boundary. Highlights the consents that would or may be required.

6.6 Environment Agency

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

6.7 LCC Historic Environment Officer

The developer has submitted a written scheme of archaeological investigation (WSI) for a programme of strip, map, sample on southern part of site found to contain early medieval remains, which would meet the requirements we have previously outlined. If the local planning authority is minded to grant permission we recommend that this WSI form part of the approved plans, so that development may proceed only in accordance with the agreed archaeological works it specifies. This would avoid the need for the standard pre-commencement condition AR1. The secondary AR2 and AR3 conditions should still be applied in order to ensure that due notification is provided to allow appropriate monitoring of the archaeological work to ensure compliance with the agreed WSI, and subsequently the approval of the final report by the local planning authority and deposition of the finds and archive produced at an appropriate museum, as required by the National Planning Policy Framework (section 16, paragraph 199).

6.8 LCC Highways/SUDS

Subject to compliance with Conditions, Lincolnshire County Council, as the Highway Authority and the Lead Local Flood Authority, is satisfied that the residential development proposed in this Application could be constructed and occupied without having an unacceptable impact upon highway safety, without having a severe residual cumulative impact upon the local highway network and without increasing surface water flood risk to those living on the development or to neighbouring land and property.

The proposed single point of access to the site from High Road would be capable of providing safe and suitable access to the proposed 150 dwellings without the requirement for a second point of access. The highway authority presently has no prescribed maximum limit within its design guidance for the number of dwellings that can be developed as a cul-de-sac. Each application is determined according to the circumstances that prevail at the time of the submission. In the case of this proposal, access is to be taken from High Road which has a very high standard of construction, has a good geometric alignment with good junction visibility, footways and street lighting. The indicated estate road layout has looped arrangement to provide internal route options, off a short initial stem. There are numerous examples of residential roads within the South Holland District where more than 150 dwellings are safely served from a single point of access and it is considered that the absence of more than one point of vehicular access would not be sufficient grounds for withholding Consent by reason of this having an unacceptable impact upon highway safety.

High Road, in the immediate vicinity of the proposed vehicular access, has a Ghost Island Right-turn Lane that was provided by the developers of the Wimberly Close residential estate. This development was constructed at the time when High Road was the A151 and was carrying considerably greater volumes of traffic than it does now. The Ghost Island Right-turn Lane was considered necessary, at that time, to allow drivers wishing to turn right into the development to be able to wait safely in the central lane for a gap in on-coming traffic without unreasonably obstructing the passage of following vehicles. With the building of the Weston By-pass and the resultant reduction in vehicle movements along High Road, a Ghost Island Right-turn is not now required to serve either the existing Wimberly Close estate or the proposed development. Never-the-less, there are Ghost Island Right-turn Lane road markings on High Road that will

need to be amended in order to safely accommodate turning manoeuvres into and out of the residential development proposed in this Application and into and out of Wimberly Close. Consultants for the Applicants have proposed, on drawing number F200010/04/A within the submitted Transport Assessment, that the existing road markings for a single standard Ghost Island Right-turn Lane (for Wimberley Close) should be adapted to provide two shorter Ghost Island Right-turn lanes, one to serve Wimberly Close and one to serve the proposed residential development. The geometric design of Ghost Island Right-turn Lanes is strictly prescribed within the Design Manual for Roads and Bridges CD123. There are standards within that document that have to be met. The design shown within the submitted Transport Assessment does not wholly meet those standards and therefore for the submitted design to be constructed, those non-compliant features would have to be signed off by the highway authority as 'Departures from Standard'. Preliminary internal discussions would indicate that that sign-off would not be likely to be given. It is the view of Highways Officers that two simple priority junctions i.e. without the two non-compliant central lanes would be acceptable. This would involve the removal of the existing Ghost Island Right-turn Lane carriageway markings on High Road and the provision of a single, standard centreline marking. Some additional road markings would also be required at the edges of the carriageway to visually, but not physically narrow the two through lanes.

Furthermore, the alterations to High Road shown on drawing number F20010/04 A include the necessary relocation of the bus stop (which is presently too close to where the proposed junction would be) but have shown a central bollard island adjacent to the new bus stop position that would prevent following vehicles from overtaking a bus waiting at the stop or require the following vehicle to pass the wrong side of the central island to get past the bus. This detail is not acceptable and will need to be amended.

The drainage strategy for the proposed development is satisfactory.

6.9 SHDC Strategic Housing

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 despite Design and Access Statement and Housing Statement stating that 25% affordable housing will be provided, the applicant has submitted viability evidence stating that the affordable contributions are unviable and only £383,000 can be provided to support the other contributions. This evidence should be independently tested by the Council 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 education and NHS contributions above affordable housing delivery.

6.10 SHDC Environmental Protection

I have reviewed the RSK Reports 'Land North of High Road, Weston, Spalding Phase 1 Desk Study 252234-01 (00)' dated November 2019 & 'High Road, Weston Phase 2 Geoenvironmental and Geotechnical Site Investigation 252234-02 (02)' dated May 2020 and am in general agreement with the findings. The report recommends the inclusion of CS2 level ground gas protection measures in accordance with BS 8485:2015+A1:2019. I therefore request that the following condition be placed on any permission granted: 1. a) Prior to the commencement of any development details of the ground gas protection measures shall be submitted to and approved in writing by the Local Planning Authority. b) Prior to the first occupation, a suitably detailed ground gas verification report shall be submitted and approved in writing by the Local Planning Authority.

6.11 Lincolnshire Police

No objections. Provides advice regarding crime prevention and ensuring safety.

6.12 NHS

Evidence backed financial contribution request of £99,000 which would be used towards an extension to Moulton Medical Practice to enable further clinical rooms to be added and to reconfigure the current clinical areas to provide more space to accommodate the anticipated increase in patients.

6.13 LCC Education

Financial contribution of £661,928 towards:
- An extension of an existing Spalding secondary school or towards the land or build of a new secondary school in Spalding (for secondary and sixth form provision); and
- An extension of Weston primary school or towards transport for children who cannot gain a place at Weston primary to attend another local primary school where the County Council would have to meet the costs of transport

6.14 Public (12 objections/comments received, summarised)

- High density; overdevelopment; too many dwellings for the village taking into account other permitted developments
- Highway safety and capacity
- Noise and air pollution from construction
- Capacity issues at schools and health centres as well as impact on shops and utilities
- Lack of amenities in the village
- Loss of agricultural land
- Concerns regarding flood risk, surface water drainage, sewage infrastructure and water supply
- Increase in pollution from vehicles (noise and air)
- Recommend the installation of a minimum of 150 swift nest bricks to provide enhancement for biodiversity
- Concern re removal of affordable housing and lack of developer contributions

6.15 Public (1 comment in support, summarised)

- Query whether deer in the adjacent field will be moved when building work commences

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. WSN003). The site also benefits from an outline permission for residential development (ref. H22-0101-16), albeit it is due to lapse on 27th July this year. The principle of residential development on the application site has therefore already been established.

7.4 Design, layout and density

7.5 Sixteen house types are proposed, mostly detached and semi-detached, with two short terraces and eight cluster houses. There is therefore ample variety across the scheme in terms of the types of houses that it would deliver. In terms of scale, the majority of properties would be 2 storey, with a smaller number of 2.5 storey, which would not conflict with existing development in the vicinity.

7.6 With regard to materials, the proposal is for red and buff brick types, with the majority of dwellings to be constructed of red brick to reflect the prevalence in South Holland. Roof tiles are a combination of brown and anthracite in colour. Revised details have been submitted at the request of officers to address concerns about the visual appearance of the dwellings (in so far as there was little variation in terms of their appearance and limited character). These changes are reflected on the 'Charter Plan' with half and full render being introduced to certain house types. All plots are also to have a contrasting brick band 450mm above damp proof course, and to protrude 10mm. Given that existing development in the vicinity is varied in terms of appearance, and there were already features such as door canopies and stone effect cills and lintels incorporated, the changes to the design of the proposed dwellings is considered an appropriate improvement from an officer perspective. Surrounding properties within the wider village are of a variety of ages, types and design, with some being relatively modern directly to the south. 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 and the fact that the application proposes an increase in the number of dwellings from that allocated in the Local Plan. Policy 11 of the Plan sets out all housing allocations and indicates that this site has a capacity of 135 dwellings, which is based on a density of 22/ha. However at paragraph 5.3.9, 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 135 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 In terms of levels and the visual impact of raising the floor levels of dwellings, the most any dwelling on the High Road frontage would be raised would be by approx. 1.2m. Given that the properties are set back from High Road and from any other existing dwellings, 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.

7.9 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.

7.10 Landscaping and open space

7.11 A comprehensive and attractive scheme for on plot planting and landscaping of areas of public open space is proposed.

7.12 In terms of open space, a large functional area is located almost central to the site, amounting to approx. 0.29ha. In addition, large areas of grassland are proposed at the northern/north-western part of the site, partly in association with the pond proposed as part of the overall surface water drainage strategy for the development. This level of open space exceeds the 0.25ha required by Policy 32 of the Local Plan.

7.13 The developer is proposing to include a Locally Equipped Area for Play (LEAP) within the central area of open space. As outlined in the Fields in Trust guidance, a LEAP is an "area of open space specifically designed and laid out with features including equipment for children who are beginning to play independently. The number and nature of equipment and structures is a matter for local decision, though provision for a minimum number of six play experiences is recommended. Play features including equipment are an integral part of the LEAP and the attractiveness of such spaces, though it is also important that the space can be used for physical activity and games. LEAPs can also include landscaped areas of play; containing little formal equipment but imaginatively designed and contoured, using as far as is possible natural materials such as logs or boulders which create an attractive setting for play." The applicant has submitted a plan indicating the type of equipment to be included within said LEAP, which shows eight 'play experiences' in all, suitable for the target age of children.

7.14 In light of the above, the proposal is considered to satisfactorily accord with Policies 3 and 32 of the Local Plan in so far as they relate to landscaping and open space/play provision respectively.

7.15 Highway matters and parking provision

7.16 Concerns have been raised in relation to highway matters - specifically, highway safety, capacity and the suitability of a single access point off High Road.

7.17 The Highway Authority have been consulted as part of the application process and have commented that:

7.18 *"The proposed single point of access to the site from High Road would be capable of providing safe and suitable access to the proposed 150 dwellings without the requirement for a second point of access. The highway authority presently has no prescribed maximum limit within its design guidance for the number of dwellings that can be developed as a cul-de-sac. Each Application is determined according to the circumstances that prevail at the time of the submission. In the case of this proposal, access is to be taken from High Road which has a very high standard of construction, has a good geometric alignment with good junction visibility, footways and street lighting. The indicated estate road layout has looped arrangement to provide internal route options, off a short initial stem. There are numerous examples of residential road within the South Holland District where more than 150 dwellings are safely served from a single point of access and it is considered that the absence of more than one point of vehicular access would not be sufficient grounds for withholding Consent by reason of this having an unacceptable impact upon highway safety."*

7.19 As part of the development, the existing ghost island right-turn lane on High Road at the Wimberley Close junction is to be removed and replaced with two priority junctions at the Highway Authority's request.

7.20 Given that the Highway Authority have not objected to the proposed access and road arrangements, it is not considered that there is a defendable 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.

7.21 In terms of the internal road arrangements, there would be a combination of adoptable estate road and 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. These points are to be managed/maintained by an appointed management company.

7.22 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 for dwellings of 2+ bedrooms are in accordance with this. In terms of 1-bed units, 1 space is indicated per unit. The parking standards in Appendix 6 state that where it can be justified by the character and location of the site, the standards may be relaxed for one bedroom dwellings to 1 parking space per unit and 1 additional space per 3 units for visitors. Given that there are bus stops for services towards Spalding and Kings Lynn adjacent/opposite the site, and that the site is within reasonable cycling distance of Spalding, the proposed arrangements are, on balance, considered acceptable.

7.23 Residential amenity

7.24 It is not considered that the proposed development would have a material adverse impact on the amenity of any properties off-site. The southernmost dwellings are set back in the site and are tantamount to a normal frontage relationship with properties on the opposite side of High Road. Plot 96 would be approx. 19m from the boundary with 163 High Road, and the closest dwelling any dwelling would be to the site currently under construction to the east off Pinfold Land (Plot 148) is approx. 27m. Notwithstanding the requirement to raise finished floor levels, at such distances there would not be a material overlooking, overbearing or loss of light impact.

7.25 Within the site, the preferred 21m separation distance between rear windows has been observed across the majority of the scheme. However, there are a small number of dwellings where the separation distance reduces to 19m due to parking being provided directly to the front of the properties, rather than the side. This is, on balance, considered an acceptable arrangement. 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.

7.26 In terms of external space, although the majority of gardens are not overly large, they are comparable to those provided on other new developments in the district.

7.27 The A151 Weston 'bypass' is located to the north-west of the site, therefore a Noise Impact Assessment has been submitted in support of the application. This concludes that appropriate internal and external noise levels are achievable using noise mitigation measures in the form of glazing systems, passive trickle vents and external noise barriers (acoustic fencing). These measures will be conditioned. SHDC's Environmental Protection Officer has no objection to the proposal on noise grounds.

7.28 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.

7.29 Flood risk and drainage

7.30 The site is a housing allocation in the Local Plan and is therefore a sequentially preferable site in flood risk terms.

7.31 The submitted Flood Risk Assessment identifies that finished floor levels of dwellings should be set at a minimum of 3.6m OD as a flood mitigation measure. 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.

7.32 In terms of surface water drainage, the strategy relies upon a piped outfall into the IDB watercourse at the northern site boundary due to poor infiltration and high groundwater levels precluding an adequate infiltration strategy. This is the next preferable solution when considering the drainage hierarchy. An attenuation basin is located at the lowest part of the site (north-western corner) to attenuate all surface water prior to outfalling to the IDB drain. Swales will also provide an attenuation function. South Holland Drainage Board and the Lead Local Flood Authority have no objections to the proposed surface water drainage strategy.

7.33 In terms of foul water disposal, connection would be made to the existing Anglian Water system in High Road. Concern has been raised in relation to the adequacy of the existing system to cope with additional foul water flows from the site as a result of flood events where the system has 'backed up'. These concerns were relayed to Anglian Water by officers, whom commented the following:

7.34 *"We have investigated the concerns raised in relation to existing flooding concerns and can confirm that these incidents are caused by extreme weather events and surface water entering the foul only network. They are not caused by foul network capacity constraints.*

We have carried out an assessment of the network and there is capacity to treat the foul flows from the development site. It is not the role of the new development to rectify historic and operational issues, therefore a capacity assessment for new development will consider the hydraulic performance of the network as installed.

Surface water should not be entering a foul only network and the management of surface water spans a number of organisations including the Lead Local Flood Authority and Highways. When assessing planning applications we review the submitted documents to ensure surface water is managed in-line with the Surface Water Hierarchy Building Regulations Part H. In this instance the flows are not impacting existing Anglian Water assets and therefore it is not for us to comment on the strategy."

7.35 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 defendable reason to refuse the application on the basis of foul water concerns. Furthermore, it should be noted that infrastructure requirements, constraints and mitigations were considered through the local plan process.

7.36 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.

7.37 Viability and developer contributions

7.38 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.*

7.39 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, is included as Appendix C. This indicates that the full complement of developer contributions can be viably delivered.

7.40 The applicant has accepted the conclusions of that independent assessment and therefore, if permission were to be granted, a legal agreement would be required to secure the following, which represents the full developer contribution ask:
-25% on-site affordable housing provision
-Education contribution of £661,928
-Healthcare contribution of £99,000

7.41 Affordable housing provision

7.42 Policy 18 of the Local Plan requires the provision of about 25% affordable housing on-site on market schemes in South Holland.

7.43 The proposed tenure split is 27 x affordable rent (8 x 1 bed, 10 x 2 bed, 8 x 3 bed and 1 x 4 bed) and 11 x shared ownership (6 x 2 bed and 5 x 3 bed). This is approximately a 71%/29% split which is broadly in accordance with Policy 18 of the Local Plan which requires a mix of about 70%/30% affordable rent/shared ownership.

7.44 The affordable units would be integrated throughout the site, with the largest clusters being of 8 and 6.

7.45 Strategic Housing have no objections to the proposed affordable housing scheme, thus it is considered acceptable.

7.46 Other considerations

7.47 Issues such as noise and air pollution during the construction period is a consideration, however it is one that is considered to carry limited weight in the overall planning balance. A Construction Management Plan and Construction Method Statement have been submitted in support of the application, which cover working hours and measures for controlling noise, vibration, dust and mud. SHDC's Environmental Protection Officer has been consulted on these details and has no objection to the proposed arrangements.

7.48 The site is allocated for housing in the local plan and issues such as infrastructure capacity, number of amenities located in the village, loss of agricultural land and an increase in pollution 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.

7.49 A condition requiring the installation of a minimum of 150 swift nest bricks to provide enhancement for biodiversity can be included.

7.50 SUDS features, landscaping, open space (including play area) and refuse collection points are to be maintained/managed by an appointed management company.

7.51 Planning balance

7.52 The principle of residential development on this site has already been established by virtue of the housing allocation in the Local Plan and outline consent for residential development. 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 affordable housing/developer contribution matters are considered to have been appropriately addressed. Notwithstanding the concerns that have been raised relating to highway matters and foul water drainage, it is not considered that there is a justifiable reason to withhold permission on these grounds, given the lack of objection from statutory providers/undertakers.

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

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.

7.63 **Conclusion**

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

8.0 RECOMMENDATIONS

8.1 **Authorised to Grant Permission subject to the applicant entering into a Section 106 agreement for the provision of 25% affordable housing (on-site), an education contribution of £661,928, a healthcare contribution of £99,000, and those 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:
Site Location Plan
SPAL/WEST/PPL/100 Rev L
9420-L-01 Rev B
9420-L-02 Rev B
9420-L-03 Rev A
9420-L-04 Rev A
9420-L-05 Rev A
9420-L-06 Rev A
WE/CP/01 Rev E
Q6906_B Buffer Zone Plan
Q6906_B LEAP Proposal
Financial Viability Report (incl. appendices) (prepared by Atlas Development Solutions, dated 20th January 2021)
DY-WD16-01
AM-WD16-01
WL-WD06-01
WL-WDC06-01
KL-WD16-01
HL-WD16-03
RN-WD16-03
EN-WD16-03
DM-WD16-01
SW-WD16-01
SW-WDC06-01
CW-WDC16-01
SN-WD16-01
BH-WD16-01
GW-WD16-01
MS-WD16-01
2064 2/1
2064 2/2
G336-PD-01
G653-PD-01
1003-278-04 Rev D
E21136/100 Rev P1
TR1
Photograph of sub station
SPAL/WEST/CMP/100
Weston Construction Traffic Route map
Construction Method Statement (prepared by Persimmon Homes, dated April 2021)
Design and Access Statement (prepared by Persimmon Homes, dated December 2020)
Ecological Appraisal (prepared by FPCR Environment and Design Ltd, dated 7th April 2020)
Phase 1 Desk Study (prepared by RSK Environment Limited, dated 20th November 2019)
Phase 2 Geo-environmental and Geotechnical Site Investigation (prepared by RSK Environment Limited, dated 1st April 2020)
Education Report (prepared by EFM, dated November 2020)
Transport Assessment (prepared by Bancroft Consulting, revised October 2020)
Housing Statement (prepared by Persimmon Homes, dated December 2020)
Noise Impact Assessment (prepared by Spectrum Acoustic Consultants, Rev 2, dated 30th November 2020)
Management of Open Space and Sustainable Urban Drainage Systems (prepared by Persimmon Homes, dated December 2020)
Open Space Assessment (prepared by Persimmon Homes, dated December 2020)
Parking Statement (prepared by Persimmon Homes, dated December 2020)
Planning Statement (prepared by Persimmon Homes, dated December 2020)
Specification for strip, plan and sample recording (prepared by Archaeological Project Services, dated March 2020)
Street Scene - Plots 4-94
Street Scene - Plots 54-65

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

3. 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, 2019.

4. 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, 2019.

5. Before each dwelling is occupied, the roads and footways providing access to that dwelling, for the whole of its frontage from an existing public highway, shall be constructed to a specification to enable them to be adopted as Public Highway, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling.

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 and that the roads and footways are completed within a reasonable period following completion of the dwellings. This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

6. No dwelling shall be commenced before the first 50 metres of estate road from its junction with the public highway, including visibility splays, have been completed to binder course level.

Reason: To ensure construction and delivery vehicles, and the vehicles of site personnel may be parked and/or unloaded off the existing highway, in the interests of highway safety and the amenity of neighbouring residents.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

7. 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.

8. 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.

9. The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2019.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

10. A copy of the final report required in connection with the necessary archaeological work above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2019.
This Condition is imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019.

11. A final (as agreed with a management company) copy of a maintenance schedule for the areas of publicly accessible open space, the proposed Local Equipped Area for Play, landscaping and drainage features, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted beyond oversite. The maintenance of these areas shall be carried out in accordance with the details so approved.

Reason: To ensure that adequate provision is made for the management and maintenance of the areas concerned.
This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

12. Notwithstanding the boundary treatment scheme indicated on dwg. no. WE/CP/01 Rev E, the following details shall be submitted to and approved in writing by the Local Planning Authority prior to installation of the boundary treatments, due to final levels details not having been agreed:

- A schedule of fencing levels, heights and materials, and details of the size and species of any hedging

The details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

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

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including residential amenity.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

13. The scheme of landscaping and tree planting shown on dwg. no's. 9420-L-01B, 9420-L-02B, 9420-L-03A, 9420-L-04A, 9420-L-05A and 9420-L-06A 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.

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.

14. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (prepared by Amazi Consulted Ltd) 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 for each dwelling:

- Finished floor levels shall be set no lower than 3.6 metres AOD
- The proposed dwellings shall have at least two storeys

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, 2019.

15. The development hereby permitted shall be carried out in accordance with the proposed acoustic mitigation measures set out in Section 6 of the submitted Noise Impact Assessment (prepared by Spectrum Acoustic Consultants, Rev 2, dated 30th November 2020).

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

16. A minimum of 150 swift bricks shall be incorporated within the external walls of dwellings across the development 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.

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. This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated ***** and can only be implemented as a consequence of meeting the provisions of that Agreement

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Background papers:- Planning Application Working File

Lead Contact Officer

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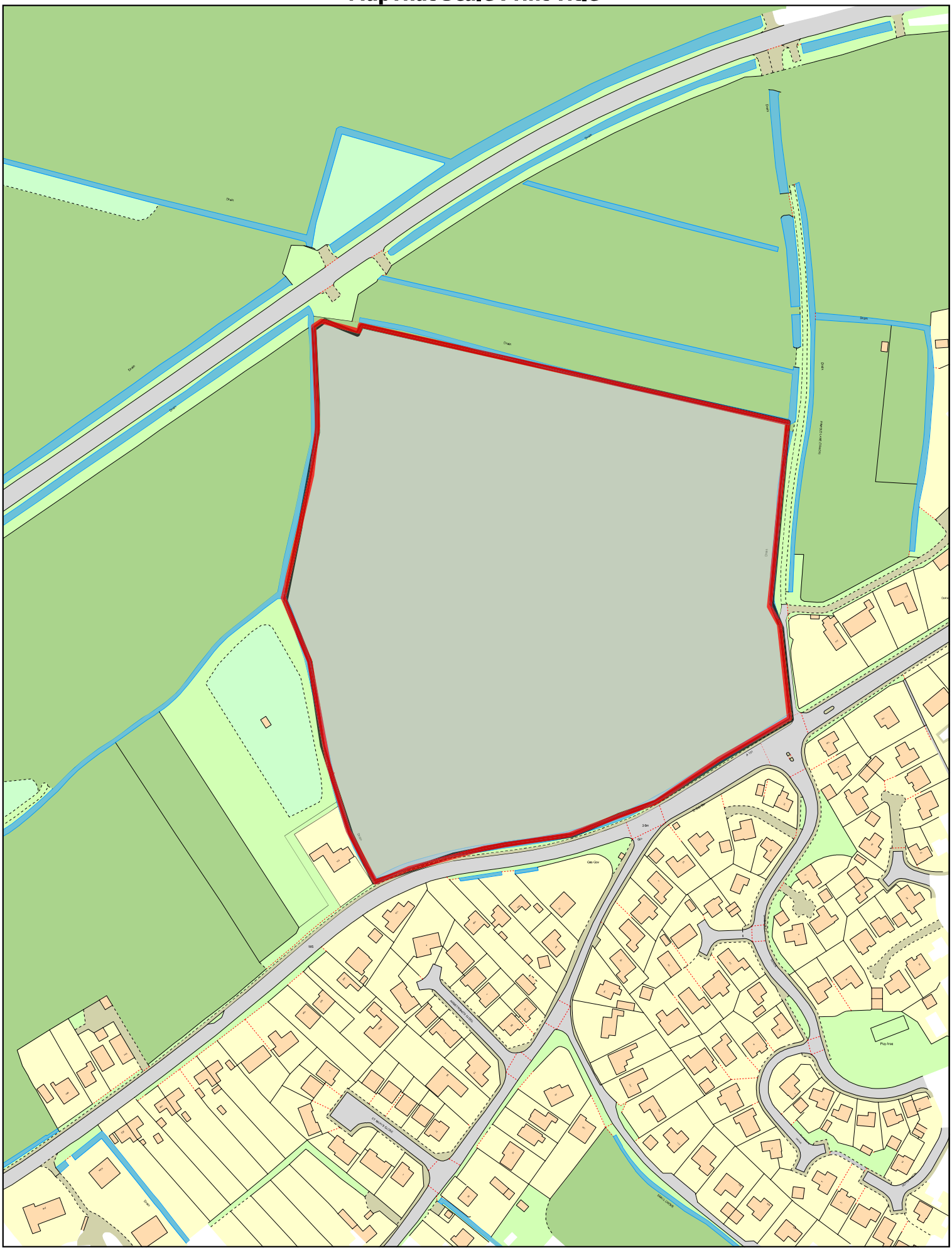
Appendices attached to this report:

Appendix A **Plan A**

Appendix B **Applicant's Viability Report**

Appendix C **Independent Viability Report**

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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