

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Development Manager

**To:** Planning Committee - 10 January 2018

**(Author:** Mark Simmonds - Planning Officer)

**Purpose:** To consider Planning Application H03-0161-17

**Application Number:** H03-0161-17

**Date Received:** 17 February 2017

**Application Type:** OUTLINE

**Description:** Outline planning application with all matters reserved - Erection of up to 120 dwellings and a village hall

**Location:** Home Farm Deeping St Nicholas Spalding

**Applicant:** Ray Turner Partnership

**Agent:**

Robert Doughty Consultancy Ltd

**Ward:** Crowland and Deeping

**Ward Councillors:**

Cllr B Alcock  
Cllr J R Astill  
Cllr Angela Harrison

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H03-0161-17>

### **1.0 REASON FOR COMMITTEE CONSIDERATION**

1.1 Significant development, high number of resident objections received and policy issues merit Committee consideration.

### **2.0 PROPOSAL**

2.1 This application seeks outline planning permission with all matters reserved for residential development on land at Home Farm Deeping St Nicholas, Spalding, Lincs, PE11 3HA. The application as originally submitted included an illustrative layout of 135 new dwellings (which has now been amended to 120 dwellings) (mixture of house types), a village hall and open space provision embedded within the development. The application has been amended to 120 new dwellings and a village hall, removing the area of land at the end of Haybarn Road and Haywain Drive.

### **3.0 SITE DESCRIPTION**

3.1 The site is located outside of the settlement limits of Deeping St Nicholas as outlined by the South Holland Local Plan 2006. The site also falls outside the settlement parameters in the emerging South East Lincolnshire Plan (SELP) Inset Map 14.

3.2 Home Farm is located and can be accessed off Littleworth Drove and comprises of large agricultural buildings, ancillary buildings, concrete hardstanding and agricultural land to the south east. Part of the application site is located to the rear of Herdsmans Close (south west), currently scrubland and has laid unused for many years.

3.3 The site has an area of 4.4ha. Overall the topography of the site is largely flat and there are no other features of note. A group of dwellings exist to the north west and beyond the western boundary. Further agricultural fields exist beyond to the north, south and east.

## 4.0 RELEVANT PLANNING POLICIES

### 4.1 The Development Plan

#### South Holland District Local Plan, July 2006

The South Holland Local Plan 2006 was formally adopted on 18 July 2006. Following a direction from the Government Office for the East Midlands under paragraph 1(3) of Schedule 18 to the Planning and Compulsory Purchase Act 2004, as of 18 July 2009 only certain Local Plan policies have been extended and continue to form part of the development plan. In the context of those saved policies referred to below, it is considered that the Local Plan was adopted in general accordance with the Planning and Compulsory Purchase Act 2004 (albeit under the transitional arrangements). Those policies referred to below are considered to accord with the thrust of guidance set out in the National Planning Policy Framework, and in the context of paragraph 215 of the NPPF should therefore continue to be given substantial weight in the decision making process.

SG1 General Sustainable Development  
SG2 Distribution of Development  
SG3 Settlement Hierarchy  
SG4 Development in the Countryside  
SG6 Community Infrastructure and Impact Assessment  
SG11 Sustainable Urban Drainage Systems (SUDS)  
SG12 Sewerage and Development  
SG14 Design and Layout of New Development  
SG15 New Development: Facilities for Road Users, Pedestrians and Cyclists  
SG16 Parking Standards in New Development  
SG17 Protection of Residential Amenity  
SG18 Landscaping of New Development  
SG20 Extensions and Alterations to Existing Buildings  
HS6 New Housing in the Group Centres (Non-Allocated Sites)  
HS7 New Housing in the Open Countryside including Other Rural Services  
HS8 Affordable Housing  
HS11 Open Space in New Residential Developments

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.

#### National Guidance

#### National Planning Policy Framework (NPPF), March 2012

Paragraph 14 - The presumption in favour of sustainable development  
Paragraph 17 - Core planning principles  
Section 6 - Delivery a wide choice of high quality homes  
Section 7 - Requiring good design  
Section 10 - Meeting the challenge of climate change, flooding and coastal change

#### Planning Practice Guidance (PPG), 2014

## 5.0 RELEVANT PLANNING HISTORY

5.1 No relevant planning history

## 6.0 REPRESENTATIONS

6.1 Deeping St Nicholas Parish Council

No objection to this Planning Application if 5 points listed below could be addressed.

1. Development of this size should provide a community asset to the Village. Our Parish Plan identified that a VILLAGE HALL and parking area are top of the list. We feel we do not want a shop but would like a Village Hall on the site proposed for the shop.

2. We object to any connection to the existing Estate except for pedestrian access. The roads in St Nicholas are too narrow and cannot take extra traffic. Road side parking restricts utility and delivery vehicles because the roads are too narrow.

3. The new Development to have its own entrance and exit off the A 1175 and would like to see wider roads and 3 parking spaces for each new House to restrict road side parking in this new Estate. This has been a real problem in the existing development.

4. There is a real desire to maintain a green area between the existing and proposed new development. We would like to see the green areas concentrated in this divide. We need this area to be easily maintainable as this duty will probably fall to the Parish Council.

5. There is real fear of flooding in the existing Estate and a feeling more housing will only exacerbate this problem. We would hope that this fear is properly addressed and there is visible proof of the measures taken.

6.2 Ward member

Cllr Jim Astill

Impact upon properties on Hay Barn Road and Haywain Drive. Not enough room to construct a road and pavement on both sides, this would have significant affect on amenity and security. Requests that the developer removes these access and make Littleworth Drove the only vehicular access.

Support for a combined community centre and shop.

Following receipt of the amended drawings (739-10-OP-SP03) dated 25th August 2017, showing the link roads removed from Hay Barn Road and Haywain Drive. The original objection is withdrawn.

6.3 LCC County Highways

Requests that any permission given shall include conditions.

6.4 Environment Agency

Object on two grounds:

- the amended scheme places houses back within higher risk area of site;
- as Anglian Water do not have capacity they object on foul water discharge

6.5 Anglian Water

Advises condition relating to the submission of a wastewater strategy prior to commencement and implementation prior to occupation.

6.6 Internal Drainage Board

Proposal meets the Board's accepted Greenfield run off rate. No further comments.

6.7 SHDC Environmental Protection

The reports have identified that further investigation and works are required on site with regards to contamination. These include further gas monitoring, investigation of soils around the tank and fuel infrastructure and DS109 and an asbestos survey. I therefore request parts 2 - 4 of the contaminated land condition for this application.

## 6.8 SHDC Environmental Services

Access roadways to all residential properties should be constructed to an adoptable standard under an agreement with Lincolnshire County Council so that they will become public highways. This will enable refuse/recycling collections to be carried out from outside individual properties without the need for communal collection points at the point where private driveways adjoin public highways.

If not utilised correctly communal collection points become areas of dispute for residents of adjacent properties.

Should it be agreed that communal collection points will form part of this development the position of those collection points should be made clear to the potential occupiers of the properties nearby. This should not just be to the properties that will need to use the collection points but also the ones who will have them outside their properties.

## 6.9 LCC Education

A contribution of £652,242 is requested to mitigate against the impact of development through a s106 agreement. Funds is to be only spent at Deeping St Nicholas Primary for the construction of one classroom and Deeping Secondary for new classrooms, dining room and changing rooms.

## 6.10 Police

No objections to the outline, would like to be consulted at detailed stage. General Secured by Design advice provided.

## 6.11 LCC Historic Environment Officer

Although there is no site specific information that the site does have archaeological potential. The site lies within an area of known Iron Age - Roman settlement.

Further information is required from the applicant in the form of an archaeological evaluation to be considered alongside the application. This evaluation should provide the local planning authority with sufficient information to enable it to make a reasoned decision on this planning application. The site should be assessed for its suitability for geophysical survey which should then be followed by a programme of trial trenching.

## 6.12 SHDC Housing Strategy

Should the development be permitted the Council will require 1/3 of the development to be provided as affordable housing to meet district wide housing needs. Affordable housing has the meaning as defined in Annex 2 of the National Planning Policy Framework 2012 or any amendment or supplemental guidance issued thereof.

The affordable contribution should be provided with a tenure split of 70% in favour of Affordable Rent and 30% Intermediate low cost home ownership dwellings. To meet needs identified within the Strategic Housing Market Assessment (2014 & 2017 update) Strategic Housing would recommend that a mix of property types and sizes are provided for the affordable housing contribution, comprising of approximately 25% as one beds, 40% as two beds, 30% as three beds and 5% as four beds. 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, although I appreciate the detail may not be known at outline application stage. It would be preferable for the homes to be built to the 'National Space Standards'. As a minimum the affordable homes should be built to the former Housing Corporation Design and Quality standards which for this development would be at least:

1 beds 2 person 45sqm  
2 beds 4 person 67sqm  
3 bed 5 person 82sqm  
4 bed 6 person 95sqm.

Ideally the affordable housing should be spread proportionately across the scheme to enable a mixed and sustainable community.

The developer should also seek to secure a Registered Provider for the affordable dwellings at the earliest opportunity. The Strategic Housing Team can provide a list of RPs with stock in the local area should the developer require this.

The Strategic Housing Market Assessment also identifies a recommended mix for market housing to meet current and projected housing needs in the district. The recommendation is as follows: 1 bedrooms- 5%, 2 bedrooms- 35%, 3 bedrooms- 45% and 4 bedrooms- 15%. We would expect the market housing to broadly reflect this.

#### 6.13 Lincolnshire Fire & Rescue

Objects on the grounds of inadequate water supply for fire fighting. Objection can be overcome by the installation of fire hydrants at the developer's expense.

#### 6.14 NHS England

The contribution requested for the development is £53,280 (£444 x 120) for GP Consulting and Nurse Treatment rooms.

#### 6.15 Public

The following objections have been received (36 objections, 1 observation, 25 comments and 2 letters of support).

- Deeping Saint Nicholas is in desperate need for recreational facilities for preschool, primary and secondary school aged children;
- On the whole, this development seems like a positive addition to the village IF it definitely still include a village shop and also appropriately equipped play areas;
- A village shop would be great BUT we need more amenities/play areas not more houses;
- There needs to be facilities to support the new homes. Play equipment not just open spaces;
- Very important to ensure there are leisure facilities such as parks which equipment for children of all ages;
- Increase of traffic to, from and within the village;
- The new road system will provide a 'Rat Run' for impatient drivers, increasing the risk of accidents to animals, children and the elderly in the old and new development;
- Lack of sufficient existing Sewerage Capacity and upheaval to existing residents to update the Sewage Pipework;
- Lack of a DSN Secondary school and surrounding school places;
- Increase in School Buses adding to existing transport through the village will inevitably have a detrimental affect on the existing road surfaces;
- We already have a lack of existing Policing without introducing further housing and increased crime;
- Lack of infrastructure to support any or all planned housing proposals;
- Detrimental affect to the existing wild life, the proposal has already failed to include and mention Deer and Foxes;
- Access from Hay Barn Road, as most of the houses on our road have up to 4 vehicles at their properties, resulting in a lot of on road parking;
- The density is far too high for the infrastructure to handle;
- There WAS surface flooding last year, the risks will be greater if this amount of homes are built on this site;
- Access should not be from Haybarn Road;
- The increased traffic through both Haywain Drive and Haybarn Rd. The roads are currently fit for purpose, with many vehicles parked along the kerbside. There is no 'passing traffic' (except for delivery/service vehicles etc);
- With the link up to Home Farm estate, this will inevitably be used as a 'cut through' or diversion route should there be any blockage on the A1175, due to a variety of reasons (collisions, roadworks, temporary traffic lights etc);
- The submitted travel plan addresses traffic flow on the A1175 - it has not taken into any consideration levels of traffic already in place on the existing estate;
- There is the potential risk that conjoining a new and old estate could intensify on street parking should a developer decide to opt for the minimum required parking spaces;
- Failure to accurately identify that historic surface water flooding has occurred. When known, this materially alters the starting point upon which the justification for the proposed

development is based;

- GP, dentists and schools are over subscribed;
- All this traffic will end up on the A1175 Littleworth Drove and if the A1175 has been deemed capable of taking this additional traffic volume all the traffic should be directed between Beech Tree Barn and Wisteria House not down Haybarn Road or Haywain Road;
- Only one exit route for the new estate, so I can see everybody using alternative methods 'rat-run' through Haywain Drive to get out, creating more queues on St Nicholas Way;
- Would suggest that the new housing estate is not connected to our existing homes;
- Many other brownfield sites closer to Spalding;
- 135 dwellings far exceed targets for the village;
- Hay Barn Road is a serpentine road that daily has congestion from commercial lorries trying to navigate passed residents parked cars;
- Garden grabbing along the southern edge;
- Disturbance to Hay Barn Rd and Haywain Drive;
- Traffic and Parking - at the present time on St Nicholas Park there are at least 2 vehicles per household. This results in cars parking on the roads, which are causing obstructions for vehicles and pedestrians alike;
- Two developments in such close succession is going to be detrimental to those who live here already, especially if there are not adequate utility provisions;
- Traffic and related noise escalation would have a detrimental effect on residents.

## 7.0 MATERIAL CONSIDERATIONS

7.1 The key material issues for considerations in this application are:

- Policy;
- The impact of the development upon residential amenity;
- Highway and Access;
- Flood Risk and drainage.
- Other matters.

7.2 Policy

7.3 The site is located just outside of the defined settlement limits of Deeping St Nicholas as outlined in the South Holland Local Plan, 2006.

In this instance, the relevant policy context is Policy HS7 - New Housing in Open Countryside including Other Rural Settlements. HS7 states that new housing development will only be permitted where:

- 1) it is proven to be essential to meet the needs of agricultural, forestry or other workers and complies with Policy HS12; or
- 2) the proposal is for small scale, rural exception affordable housing that complies with Policy HS9.

7.4 Since the proposed development is for 120 dwellings, this is not considered to be a 'small' scale development. The proposal does not comply with Policy HS7. Furthermore, Policies SG2, SG3 and SG4 emphasises the importance of adopting a sequential approach which gives priority to the use of previously developed land and buildings within defined settlement limits, then to greenfield land within defined settlement limits and finally to land adjacent to defined settlement limits. With Deeping St Nicholas classed as an 'Group Centre' under Policy SG3 - Settlement Hierarchy, the village provide a range of services, local employment opportunities and act as a focal point for the rural areas.

7.5 It is felt that the pattern and density of the proposal is well contained within the core of the village despite no supporting evidence to demonstrate need and that no other site or solution exists to accommodate the proposed development within defined settlement limits. The development proposal, is not considered too remote to result in an unacceptable impact upon the landscape character of an area.

7.6 The Design and Access Statement briefly mentions that the emerging South East Lincolnshire Local Plan has not identified the site for housing following confirmation by the landowners that the site was available for development.

- 7.7 Deeping St Nicholas is identified as a Minor Service Centre in the emerging local plan. The draft plan accepts that potential housing sites within and adjacent to the settlement boundary may be required to meet housing needs.
- 7.8 At the heart of the National Planning Policy Framework (NPPF), is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 49 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites". In that circumstance, Paragraph 14 of the NPPF is quite clear that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies outlined in the NPPF as a whole; or specific policies in the NPPF indicate that development should be restricted.
- 7.9 The Council cannot currently demonstrate a 5-year supply of deliverable sites as per the provisions of NPPF. In the context of the objectively assessed need identified in the Council's Strategic Housing Market Area Assessment (SHMA), and including a 20% buffer by virtue of a persistent under delivery of housing, the Council can only currently demonstrate (at 31st October 2017) 4.1 years (under the Sedgfield approach) supply of deliverable sites. As per the provisions of Paragraph 49 of the NPPF, the Council's Local Plan policies relevant to the supply of housing are considered out-of-date and the presumption in favour of sustainable development applies.
- 7.10 Given the location of the site and the potential planning contributions that this application has the potential to deliver for Deepings St Nicholas. There is a clear precedent that the area is in need of growth to accommodate the needs of its residents and there is not considered to be a policy objection to the development in principle and on the matter of sustainability, when assessed against Policy SG1 of the Local Plan 2006. Much of this land, at the moment, requires extensive management and maintenance. By reusing part of it for an alternative but sustainable use as illustrated by the proposal, it will encourage the reuse of redundant land together with creating an opportunity to provide good quality, functional and manageable public open space and other planning obligation such as Affordable Housing and Education. As such, as per the provisions of the NPPF, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies outlined in the NPPF as a whole; or specific policies in the NPPF indicate that development should be restricted.
- 7.11 In light of all this information and policy deliberations, it is considered that a development of the size proposed is not out of keeping with the likely strategic future role and function of Deepings St Nicholas as a desirable Minor Service Centre. As such, as per the provisions of the NPPF, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies outlined in the NPPF as a whole; or specific policies in the NPPF indicate that development should be restricted.
- 7.12 The principle of residential development in policy terms is acceptable. The number of new dwellings proposed (120) is not considered to be excessive or of a nature that would cause significant detrimental harm to the amenity of the area. However, the remainder of this section of the report considers the other material considerations to be taken into account in determining whether any adverse impacts of granting permission.
- 7.13 The impact of the development upon residential amenity
- 7.14 As the proposal is in outline form only, the layout of the plots and scale of the development illustrated on the plan is considered acceptable in principle with all matters reserved. Actual details of design, house types, landscaping and appearance are yet to be confirmed and formally considered by the LPA.
- 7.15 The number of units proposed would result in a development of approximately 27 dwellings to the hectare. This is considered to be appropriate for this location and is not unacceptably greater than the assessment located in the SHLAA (20 dph) particularly in the context of the Council not having a Five Year Housing Land Supply at this time. It is felt that the proposal is of relatively low density which reflects the character of the surrounding area. This will allow for

amenity and outlook to be well preserved for both the new development and the existing.

- 7.16 The proposed development is well located despite falling just outside defined settlement limits, and is not considered to result in an unacceptable impact upon the residential amenity and landscape character of the area.
- 7.17 The revised amended illustrative layout demonstrates that the development can comfortably accommodate 120 dwellings, village hall, car park and open space without interfering with the outlook and privacy of residents at Hay Barn Road and Haywain Drive. There is a significant gap of open land between the existing and proposed development with one way in and out from Littleworth Drove. This will be further considered at reserved matters stage when detailed plans, layouts, boundary treatments, and material confirmation becomes available as well as a comprehensive landscaping scheme. The presence of additional houses in exposed area of land would define this space by creating a sense of enclosure to an otherwise, open piece of land.
- 7.18 Concerns relating to the pressure and strain of existing infrastructure (utilities, services and facilities) are noted. However, developer contributions towards building the capacity of local services will be expected to be delivered through an S106 Agreement. Furthermore, the emerging SELP will be required to plan fully for the provision of all types of infrastructure to support the future growth of the District.
- 7.19 There is an objection from the Environment Agency relating to foul capacity but Anglian Water do not object and this can be controlled by condition.
- 7.20 Highway and Access
- 7.21 Resident concerns regarding Highway safety, access to and from the site has been raised. The County Highways Authority recommends that permission be granted subject to preoccupation conditions relating to the completion of carriageways and footways, junctions with the main road, as well as the submission of a comprehensive surface water drainage scheme.
- 7.22 The Highways Authority have raised no concerns regarding the proposed access or safety issues associated with this development. Furthermore, the plans have been amended to exclude any access and entry points at Hay Barn Road and Haywain Drive. This addresses the residents' concerns about congestion, disturbance and safety concerns in these areas.
- 7.23 Flood Risk and Drainage (foul and surface water)
- 7.24 A Flood Risk Assessment and Drainage Strategy was submitted with the application and subsequently updated four times following consultation comments and further investigations.
- 7.25 The proposed development will introduce impermeable area in the form of buildings and roads. This will result in an increase in surface water runoff. In order to ensure the increase in surface water runoff will not increase flood risk elsewhere, flow control will be used and attenuation provided to accommodate storm events up to and including the 1 in 100 year plus 40% climate change event.
- 7.26 All methods of surface water discharge have been assessed. Discharge of surface water to the adjacent Picks Home Farm Dyke is the most practical option. This land drain falls within the Wellings and Deepings IDB area. The IDB requires discharge rates are restricted to 1.4 litres per sec/hectare. A pumped solution may be required.
- 7.27 The Internal Drainage Board have been consulted and accepts that the proposal meets the Board's accepted Greenfield run off rate.
- 7.28 Overall, Officers consider that it has been demonstrated that the development would be safe, without increasing flood risk elsewhere, and that a positive reduction in flood risk would be achieved through the inclusion of surface water flow control and attenuation within SUDS



features. The development therefore satisfies the requirements stipulated in Section 10 of the NPPF.

- 7.29 The Environment Agency have been consulted and object to the application as the most recent revised layout has not entirely removed all of the houses from Flood Zone 3. However, officers consider that given the residual risk associated with the failure of flood defences is low, development could be permitted subject to a Flood Risk Assessment condition - the application is only outline/indicative and additional re-designing at the Reserved Matters stage could address this in any event.
- 7.30 The recommendations made within the FRA relating to undertaking detailed drainage designs, making provision within the site layout for a 9m standoff from the existing Picks Home Farm Dyke situated at the southern end of the site, raising floor levels above surrounding ground levels and sequentially locating all dwellings outside of the flood extent and using flood resilience measures, are all workable and is not considered to result in any detrimental harm upon the residential amenity of adjacent occupiers.
- 7.31 It is considered that the proposal is acceptable in this regard, subject to appropriate conditions being discharged.
- 7.32 With regard to Foul Water disposal, Anglian Water cannot identify capacity currently but have confirmed to Officers that they consider the matter is their responsibility to ensure there is capacity for all new residential developments, a condition can be imposed in this regard.
- 7.33 Other Matters
- 7.34 - Village Hall  
The developer has offered to provide the land for a village hall at the front of the site and to take on responsibility for construction although it is expected that the Parish Council will contribute to the costs of construction. This will be negotiated through the S106 process. The village hall would then be passed to the Parish Council for stewardship on behalf of the local community.
- 7.35 - Affordable Housing - the developer has agreed to provide a policy compliant level of (33.3%) affordable housing. This may need to be re-visited if the Local Plan is Adopted in the interim between this application and Reserved Matters if the Emerging Local Plan adopts a lower level of contributions.
- 7.36 - Open Space is normally expected to be provided at 14% of the developable site but with the high level of contributions being made this will be approached with some flexibility at the Reserved Matters stage.
- 7.37 - Education and NHS - the developer has agreed to policy compliant contributions, this will be represented as the standard formula in the S106 Legal Agreement as the application is in outline form only and the final number and type of properties will inform the contribution to be made.
- 7.38 Conclusion
- 7.39 Whilst the development complies with local plan policy the lack of a 5 year housing land supply means that the guidance within the NPPF takes precedence and the development is considered to be sustainable in nature and to comply with NPPF guidance and will help deliver much needed housing, a village hall and other benefits in terms of contributions.
- 7.40 Objections raised by residents about highway, amenity and surface water flooding issues will be addressed at reserved matters stage where a more considered approach to design and layout can be negotiated. This application purely relates to the principle of the development which on balance and in light of the recommendations made by statutory consultees, the merits of a residential development on a site adjacent to the current settlement boundary, the likely future role and function of Deepings St Nicholas and associated potential housing growth targets is considered sustainable and acceptable in principle.

7.41 The objections raised by the Environment Agency are to be taken into account but Officers feel that conditions can control these matters and that approval should be granted.

## 8.0 RECOMMENDATIONS

8.1 **Authorised to Grant Permission subject to the applicant entering into a Section 106 agreement for the provision of financial contributions to education provision, health provision, one third of the dwellings to be provided as affordable housing and the provision of a Village Hall and those Conditions listed in Section 9.0 of this report**

## 9.0 CONDITIONS

1. Application for approval of reserved matters must be made not later than three years beginning with the date of this permission, and the development must be begun before the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: As required by Section 92 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:  
739-19\_OP\_LP02;  
739-19\_OP\_SP03;  
739-19\_OP\_SP04;  
Design and Access Statement 739-19 PS LMS MAG, Feb 2017;  
Transport Assessment V4, 16.5.17;  
Transport Plan V5, 16.5.17

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

3. The following matters are reserved for subsequent approval by the Local Planning Authority and no development to which these matters relate shall be carried out until these matters have been approved, viz:

- i) detailed drawings of the estate layout to a scale of not less than 1:500 and including road and plot layouts;
- ii) detailed drawings to a scale of not less than 1:100 showing the siting, design and external appearance of each building, including a schedule of the materials to be used for external walls and roof;
- iii) the siting and design of any vehicular access to a highway or estate road;
- iv) the means of foul and surface water disposal;
- v) details of landscaping and tree planting.
- vi) the existing and proposed site levels and floor levels of the buildings and hard surfaced areas.

Reason: The application was submitted in outline only and the above details are required to enable the Local Planning Authority to assess the detailed design, scale, appearance and layout of the development as well as ensure that appropriate access and services are provided to serve the development.

This Condition is imposed in accordance with Policies SG12, SG13, SG14 and SG18 of the South Holland Local Plan, 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

4. The development hereby permitted is limited to no more than 120 dwellings.

Reason: To define the terms of the permission.

5. A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along Littleworth Drove and residential amenity.

Reason: In the interests of the amenity of local residents. 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 Policies SG14 and SG17 of the South Holland Local Plan, 2006.

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

ii) if identified as being required following the completion of the desk-top study, a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA without delay upon completion.

iii) thereafter, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing by the LPA.

iv) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

#### Note

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

The applicant's attention is also drawn to the document entitled "Developing Land Within Lincolnshire - A guide to submitting planning applications to develop land that may be contaminated", which can be obtained through the Local Environmental Health Department.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan, 2006.

7. When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by a scheme of landscaping and tree planting indicating, inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post-planting maintenance and such a scheme shall require the approval of the Local Planning Authority before any development is commenced. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Note: The applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development.

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 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 SG18 of the South Holland Local Plan, 2006.

8. Before the commencement of the development hereby permitted beyond oversight, a scheme of hedge planting for the boundaries of the site including details of positions, heights on planting and species shall be submitted to and approved in writing by the Local Planning Authority. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced. All hedging shall be maintained by the owner or owners of the land on which they are situated for the period of ten 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 includes boundary hedge planting, in the interests of its visual amenity and that of the area in which it is set.

This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan, 2006.

9. Prior to its installation, details of the proposed boundary treatment, including a schedule of 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.

Reason: 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 Policy SG14 of the South Holland Local Plan, 2006.

10. Prior to the commencement of the development hereby permitted beyond oversight, a plan illustrating all areas of publicly accessible open space shall be submitted to and approved in writing by the Local Planning Authority. The areas so approved shall be laid out and made available for use in accordance with a specification and phasing that shall first be agreed in writing by the Local Planning Authority, and shall thereafter be so maintained.

Reason: To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the open space.

This Condition is imposed in accordance with Policies SG14 and HS11 of the South Holland Local Plan, 2006.

11. A management plan for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted beyond oversight. The management of these areas shall be carried out in accordance with the details so approved.

Reason: To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the open space.

This Condition is imposed in accordance with Policies SG14 and HS11 of the South Holland Local Plan 2006.

12. No dwelling shall be occupied until details of the landscape management and maintenance schedule for the areas of incidental open space, refuse/recycling collection points and parking courts have been 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 provision is made for the management and maintenance of communal areas.

This Condition is imposed in accordance with Policies SG1 and HS11 of the South Holland Local Plan 2006.

13. Before the commencement of the development hereby permitted beyond oversight, the detailed design and location of all lighting to be provided to roads and footpaths within the development shall be submitted to and approved in writing by the Local Planning Authority and all lighting utilised in the development shall conform to the details so approved.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.

This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan, 2006.

14. Before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification, to first be submitted to and approved by the Local Planning Authority, to enable them to be adopted as Highways Maintainable at the Public Expense, 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 safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.

This Condition is imposed in accordance with Policies SG14 and SG15 of the South Holland Local Plan, 2006.

15. Before any dwelling is commenced, 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 of the users of the public highway and the safety of the users of the site. 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 Policies SG14 and SG15 of the South Holland Local Plan, 2006.

16. No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall:

- a) 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;
- b) Provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second per hectare;
- c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and
- d) 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.

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

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding. This 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 Policies SG11 and SG12 of the South Holland Local Plan, 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

17. Before the commencement of the development hereby granted beyond oversight, full details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the foul water from the site is adequately drained, to avoid pollution

This Condition is imposed in accordance with Policies SG11 and SG13 of the South Holland Local Plan, 2006 and national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

18. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment by Water Co Consultants, April 2017, Version 4 forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

- Undertaking detailed drainage designs for submission and approval by the LPA and implement in accordance with approved details;
- Making provision within the site layout for a 9m standoff from the existing Picks Home Farm Dyke situated at the southern end of the site;
- Raising floor levels above surrounding ground levels;
- Sequentially locating all dwellings outside of the flood extent; and
- Incorporating flood resilience measures into the development.

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 national guidance contained in Section 10 of the National Planning Policy Framework, 2012.

19. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:
1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
  2. A methodology and timetable of site investigation and recording
  3. Provision for site analysis
  4. Provision for publication and dissemination of analysis and records
  5. Provision for archive deposition
  6. Nomination of a competent person/organisation to undertake the work
  7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.
- The archaeological site work shall only be undertaken in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 12 of the National Planning Policy Framework, 2012. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

20. 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 connection with Condition 17 above 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 12 of the National Planning Policy Framework, 2012.

21. A copy of the final report required in connection with Condition 17 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 12 of the National Planning Policy Framework, 2012.

22. Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before commencement of the construction of the development and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development.

Reason: In the interests of highway safety during the construction process. 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 Policies SG15 and SG17 of the South Holland Local Plan, 2006.

23. Details of the means of storage and disposal of refuse and recycling shall be submitted to and be approved by the Local Planning Authority and the development shall not commence in advance of that approval. The approved scheme shall be fully implemented and thereafter be retained.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set. This 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 Policies SG13 and SG17 of the South Holland Local Plan, 2006.

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Background papers:- Planning Application Working File

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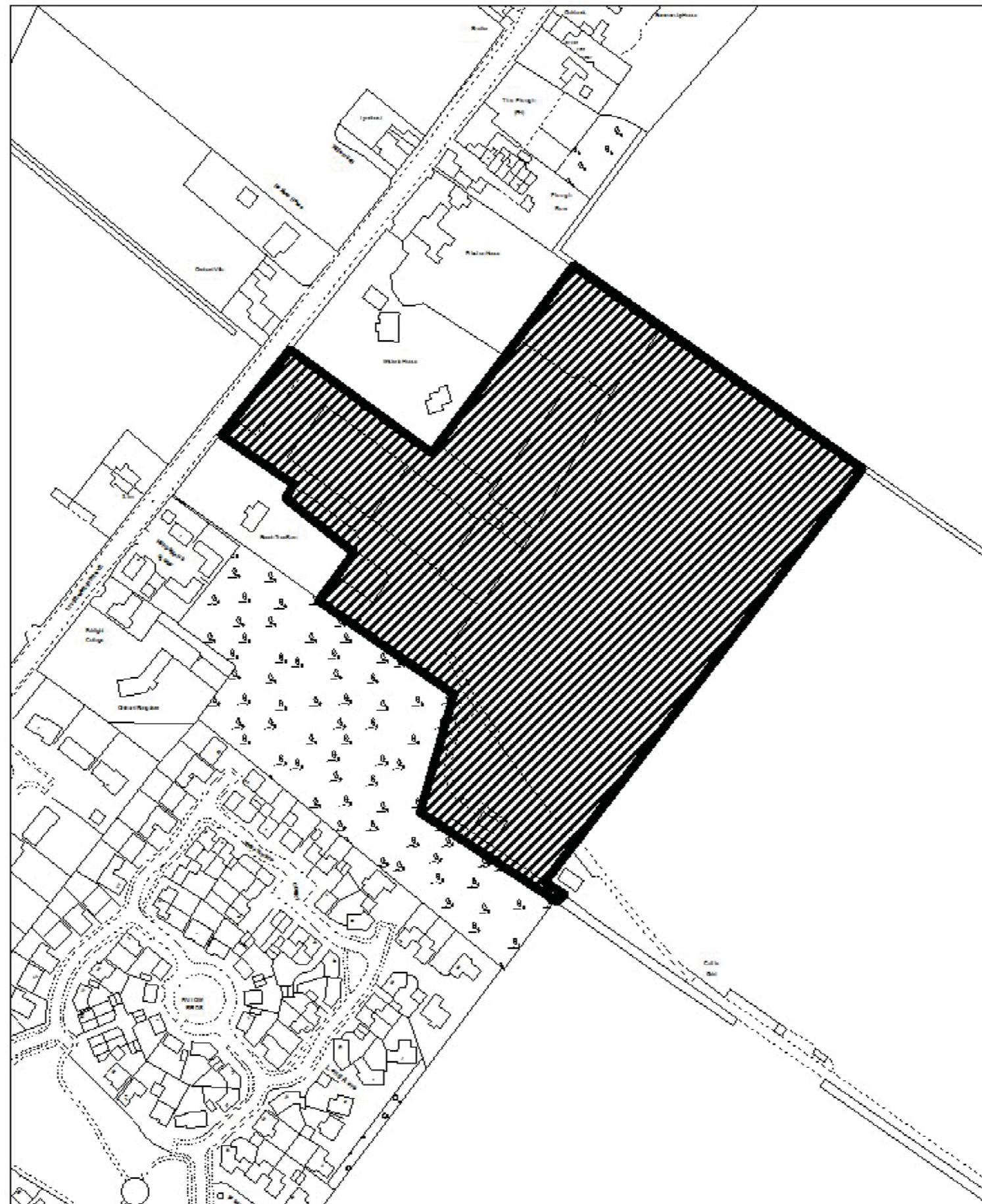
**Lead Contact Officer**

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**Appendices attached to this report:**

Appendix A Plan A

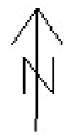




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December 2017

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