SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 01 September 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 This application was deferred at the Planning Committee on 21 July 2021.

2.0 PROPOSAL

2.1 This application was deferred at the Planning Committee on 21 July 2021 for officers to negotiate with the developer amendments in line with the recommendations of the Committee - namely concerns regarding the number of private drives, the siting of bin collection points and car parking arrangements.

2.2 A copy of the previous report is appended (Appendix B).

2.3 Following discussions with officers, the applicant made the decision to only make amendments to the bin collection points. BCP-8 has been relocated from immediately adjacent Plots 89-92 to the opposite side of the private drive and planting is now shown on three sides of each collection point.

2.4 The applicant has also responded to various comments made by Planning Committee on 21 July. This document is also appended (Appendix C).

3.0 SITE DESCRIPTION

3.1 As previous report.

4.0 RELEVANT PLANNING POLICIES

4.1 As previous report.

5.0 RELEVANT PLANNING HISTORY

5.1 As previous report.

6.0 REPRESENTATIONS

6.1 As previous report.

7.0 CONSIDERATIONS

7.1 **Planning Considerations**

7.2 As previous report, plus the key issue is whether the amendments and response from the applicant are considered to adequately address the Committee's reasons for deferring the application.

7.3 Bin Collection Points

7.4 In response to the concerns raised by Committee, BCP-8 has been relocated from immediately adjacent Plots 89-92 to the opposite side of the private drive and planting is now shown on three sides of each collection point on the scheme as a whole.

7.5 As a result, all collection points are sited on the opposite side of a private drive to any dwelling and the landscaping will improve the visual aspect of these areas.

7.6 The proposed management company will be responsible for maintaining the collection points on the site and the applicant has advised that there will be a restrictive covenant on the transfer of each dwelling including the following:

7.7 *"Not to use the Bin Collection Point other than for the storage of refuse sacks suitable for the refuse collection, and not to place such refuse sacks in the Bin Collection Point any earlier than the day prior to collection, and not to allow the Bin Collection Point to become untidy or infested"*

7.8 It is the view of officers that the collection points are appropriately sited at a reasonable distance from dwellings and that the proposed landscaping will go some way towards mitigating visual amenity impact. The proposed management arrangements are reasonable.

7.9 Parking Arrangements

7.10 As stated this remains unchanged.

7.11 The applicant has responded that:
"The development provides a variety of parking solutions that ensure there is not a car-dominated street scene".

7.12 A breakdown has also been provided of the different parking arrangements utilised and their proportion of the total no. of spaces:
Integral garages - 26 spaces (7.8%)
Garages to the side - 11 spaces (3.3%)
Tandem parking - 96 spaces (28.6%)
Car parking and/or garage to the rear - 47 spaces (14%)

Frontage parking - 155 spaces (46.3%)

7.13 It can be seen from the above that over half the total number of spaces are either frontage parking or integral garages. A comparatively small percentage of parking spaces are located to the rear of a property.

7.14 In the absence of any specific adopted design guidance on the matter, and in light of the widespread use of tandem parking/parking to the rear on new build schemes (i.e. not only in South Holland), officers' are unable to conclude that the proposed arrangements are unacceptable in planning policy terms and it is unlikely to be a defendable reason for refusal.

7.15 Number of Private Drives

7.16 As stated this remains unchanged.

7.17 The applicant has responded to the concerns raised by Committee about the number of private drives in the following terms:

7.18 *"Through pre-application discussions with South Holland District Council and Lincolnshire Highways together with a meeting with the Design Panel, the number of private drives was reduced significantly from our original layout. However, due to the requirements of Lincolnshire County Council Highways, some private driveways are necessary as they wish to limit the amount of adoptable roads on site.*

Private driveways, acting as shared surfaces, are also considered good design as per Manual for Streets (Department for Transport 2007). Shared surfaces work well within low traffic environments, promoting social interaction whilst providing variety within the street scene."

7.19 Indeed, the scheme would arguably be less attractive if all roads were to be built to an adoptable standard due to an increase in the extent of hardstanding and the use of private drives creates a clearer hierarchy of streets. However, the Highway Authority have confirmed that, in this instance, there has been no such request from them for the applicant to limit the number of adoptable roads in favour of private drives.

7.20 Notwithstanding this, alike the parking arrangements, in the absence of any specific adopted design guidance on the matter, officers' are unable to conclude that the number of private drives proposed is unacceptable in planning policy terms and it is again unlikely to be a defendable reason for refusal.

7.21 Foul Water Disposal

7.22 In addition to the above reasons for deferral, Committee members also requested that confirmation be sought from Anglian Water that the District Council would not be held liable for any future foul water network issues that may arise as a result of granting permission for the development.

7.23 Anglian Water have provided the following response:

7.24 *"Anglian Water are responsible for the on-going maintenance and repair of our assets - if we don't own an asset it is up to the parties involved to maintain/repair.*

Previous flooding has been related to surface water getting into the Anglian Water sewer. This surface water should not be in the sewer and Anglian Water's responsibility is to maintain our assets as they are built for. This means that we cannot accommodate flow which shouldn't be in there. Surface water flooding spans a number of organisations such as the Lead Local Flood Authority.

Anglian Water are only responsible for legitimate connections into our surface water network, we are not responsible for overland flooding or private asset failure etc.

New developments should follow Building Regulations Part H to Surface Water. Anglian Water use these Regulations when making comment on Applications.

Developers have the right to keep their on-site surface water and foul water network and assets (such as pumping stations) in private ownership. In this instance Anglian Water is not responsible for the maintenance or any asset failure.

In summary, Anglian Water are responsible for our assets. These assets are built to run for legitimate flows. Developers have the right to keep their on-site assets private for both foul and surface water, Anglian Water cannot influence this decision. When developers choose to do this it may fall under a Management company to maintain and run the on-site assets."

7.25 The above response was sent to Lincolnshire County Council, as Lead Local Flood Authority, for comment. Their response was that:

7.26 *"The surcharging of foul water drainage infrastructure during heavy or prolonged periods of rainfall is due, almost entirely, to unauthorised surface water drainage system connections being made to the foul water system - people simply don't wash, bathe, shower, run their washing machines and dishwashers and go to the toilet more frequently when it is raining.*

Those unauthorised connections will more often than not be on projects such as private house extensions and the like, that are too small for the direct involvement of Anglian Water, rather than on bigger projects, such as this one at High Road, where Anglian Water will be invited by the developer to inspect and test the foul water system before accepting it ('vesting it') under a Section 104 Agreement. Any unauthorised surface water drainage connections to the foul water system would be discovered at that time.

Anglian Water will have estimated the foul water flow arising from the dwellings on the High Road development and the ability of their infrastructure to accommodate that additional flow. It is therefore not expected that the development will exacerbate the surcharging of the Weston foul water system during storm events."

7.27 **Conclusion**

7.28 There have been limited changes to the application since it was deferred by the Planning Committee in July, with the only amendments being made relating to refuse collection points. Despite this, the view of officers' remains that there are not sufficient reasons to merit refusing this application and the recommendation therefore remains to grant planning permission.

7.29 **Additional Considerations**

7.30 Public Sector Equality Duty

7.31 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.

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

7.33 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.

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

7.35 Human Rights

7.36 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).

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

8.0 RECOMMENDATIONS

8.1 **Authorised to grant permission subject to the applicant entering into a Section 106 agreement for 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 M
9420-L-01 Rev B
9420-L-02 Rev C
9420-L-03 Rev C
9420-L-04 Rev B
9420-L-05 Rev B
9420-L-06 Rev B
WE/CP/01 Rev H
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, 2021.

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, 2021.

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, 2021.
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, 2021.
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 H, 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-02C, 9420-L-03C, 9420-L-04B, 9420-L-05B and 9420-L-06B 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, 2021.

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

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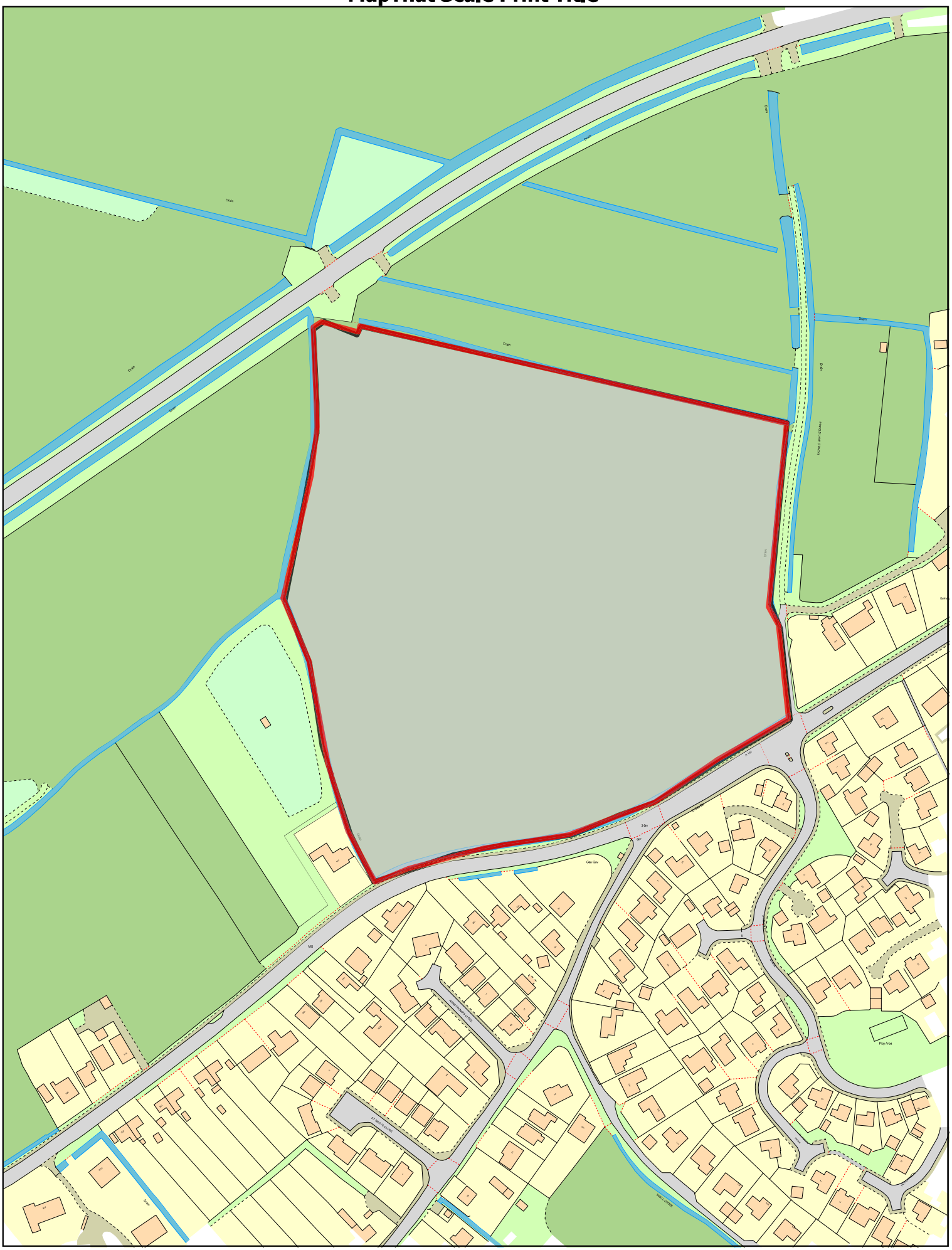
Email rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A
Appendix B Committee Report 21 July 2021
Appendix C Applicants response to comments of Planning Committee on 21 July 2021

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

MAP SCALE 1:2500
CREATED DATE: 08/07/2021
PHOTOGRAPHIC COPY LIABLE TO DISTORTION IN SCALE