1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Significant issues for Committee to consider.

2.0 PROPOSAL

2.1 This is a S73 application to vary Condition 2 of planning approval H23-0508-16, to allow for amendments to approved plans.

2.2 Application H23-0508-16 - Residential development comprising 33 dwellings at Land adjacent 355 High Road Whaplode was approved at Committee on 20th February 2017.

2.3 This application seeks to correct the list of drawing numbers listed on the planning permissions as well as:
   · Extend the site boundary up to the 9m IDB easement.
   · Widen properties to plots 10 & 18-21 to give larger rooms.
   · Plot 9 boundary altered.
   · To facilitate Anglian Water drainage, the Anglian Water plant enclosure has changed position and shape slightly.
   · Plot 7 parking relocated.
   · Plot 16 parking relocated to be adjacent to plot 15 parking (reduced rear garden to plot 14).
   · Plots 15-17 moved southwards slightly to allow Anglian Water easement for drainage pipes.
   · Plot 17 parking changed to tandem parking.
   · Adoptable roadway serving plots 3-8 & 16 changed to non-adopted roadway and will serve just plots 3-8. Refuse collection point added.
   · Plots 32 & 33 amended so that plot 32 is same bungalow type as plot 33, and both plots widened.
- Adoptable footpaths widened to 2m (required by LCC).
- Some garden walls cut back/omitted.
- PD01 is changed to show the revised application site boundary.
- PD03, PD04 & PD05 are changed to show revised site layout.
- PD06, PD07, PD08, PD09, PD10 & PD11 are changed to show the addition of meter boxes, gas flues and soil vent pipes. In addition drawing PD08 is changed to show widened properties. In addition drawing PD11 is changed to show revision to plot 32 to be same bungalow type as plot 33.

2.4 A S106 for the development was secured on the 4th May 2017. This agreement will continue to tie in with this permission, therefore, will not result in any loss of agreed contributions.

3.0 SITE DESCRIPTION

3.1 The site is located at the western end of Whaplode and is predominantly an open agricultural field but also comprises of a part of the rear garden to 355 High Road. To the east of the site is 355 High Road, a detached dwelling.

3.2 The site is on the edge of the village and forms part of the rural character of this edge of settlement, which has partly informed the design and layout. This development has been designed around the infrastructure on site.

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.

Policy SG1 - General Sustainable Development
Policy SG2 - Distribution of Development
Policy SG3 - Settlement Hierarchy
Policy SG6 - Community Infrastructure and Impact Assessment
Policy SG11 - Sustainable Urban Drainage Systems (SUDS)
Policy SG14 - Design and Layout of New Development
Policy SG15 - New Development: Facilities For Road Users, Pedestrians And Cyclists
Policy SG16 - Parking Standards in New Development
Policy SG17 - Protection of Residential Amenity
Policy SG18 - Landscaping of New Development
Policy HS6 - New Housing in the Group Centres (Non-Allocated Sites)
Policy HS7 - New Housing in the Open Countryside including Other Rural Settlements
Policy HS8 - Affordable Housing
Policy 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 7 - Three dimensions of sustainable development
5.0 RELEVANT PLANNING HISTORY

5.1 H23-0508-16 Full application for the residential development comprising 33 dwellings Approved with conditions 20-02-17.

6.0 REPRESENTATIONS

6.1 Public

One objection received from a local resident on the grounds of increased traffic congestion, invasion of headlights, loss of view and overlooking.

6.2 No further objections were received in response to the proposed amendments.

7.0 MATERIAL CONSIDERATIONS

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

- Policy;
- Private drives and bin collection point

7.2 Policy

7.3 The site is partly located within the defined settlement limit of Whaplode as outlined in the South Holland Local Plan 2006. In this instance, the relevant policy context is Policy HS6 New Housing in the Group Centres (Non-Allocated Sites) and Policy HS7 New Housing in Open Countryside including Other Rural Settlements.

7.4 This site is greenfield. Policy HS6 requires that the site is within settlement limits, is on brownfield land and represents infilling or the replacement of an existing dwellings, this development does not comply with that policy as it is greenfield, partly open countryside and is not infilling/

7.5 At the heart of the National 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 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.

7.6 The district currently does not have a sufficient 5 year housing supply as required by paragraph 47 of the NPPF, and this significantly diminishes the weight which can be accorded to policies for the supply of housing.

7.7 These policy issues have been previously considered in application H23-0508-16. The overall principle, integrity, scale and context of this application remains the same as the details in H23-0508-16. The requested amendments do not constitute ‘significant’ changes to the scheme. Issues such as highways and amenity which had been previously considered by the LPA, would remain the same and unchanged. However, the remainder of this section of the report considers the other material considerations to be taken into account in determining whether there are any adverse impacts of granting permission.

7.8 Private drives and bin collection point
A non adopted roadway is proposed to serve plots 3-8. This leaves 6 of the 33 dwellings with the longer term issues associated with access from a private drive such as maintenance, repairs and insurance, etc. Also refuse vehicle collections may decide not to enter the private drive for reasons such as road width. Residents would then be required to wheel their bins to the nearest adopted main road. There is no reference made on plan as where these points would be and how it would impact those plots that are served by an adopted road.

7.9 The refuse collection point for plots 3-8 is situated on the main road opposite plots 2 and 9. This is a cause for concern amongst the Chairman's Panel members whom consider the distance between plots 3-8 and the RCP to be located too far from the individual dwellings. In light of these concerns, a condition could be imposed that requires full details of a revised refuse collection points and arrangements to be approved prior to occupation. This would enable the issue to be considered by Environmental Services and Planning in advance of the occupation of Plots 3-8.

7.10 Conclusion

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. This policy principle has already been considered in the original application and accepted as policy compliant.

7.11 Concerns raised about the impact of the private drive issues could potentially be addressed by a condition that secures the full information to be submitted and implemented prior to the affected plots being brought into use.

8.0 RECOMMENDATIONS

8.1 Authorised to Grant Permission subject 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.


2. Notwithstanding the details of the refuse collection points, the development hereby permitted shall be carried out in accordance with the following approved plans:

   Drw No 26115 11S; Drw No 26115 13C; Drw No 26115 14G Impermeable Areas; Drw No 26115 15F Pumping Station; Drw No PD01 P2; Drw No PD03 P5; Drw No PD04 P5 Finishes and Enclosures; Drw No PD05 P2 External Materials; Drw No PD06 P2 Plots 3-8; Drw No PD07 P2 Plots 1, 2 and 9; Drw No PD08 P2 Plots 10 and 18-21; Drw No PD09 P2 Plots 11-14 and 22 & 23; Drw No PD10 Plots 15-17, 24-29 and 30 & 31; Drw No PD11 P2 Plots 32 & 33; Drw No PD12 P2 External Materials.

   Reason: For the avoidance of doubt and in the interests of proper planning.
3. Revised 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 before the occupation of Plots 3, 4, 5, 6, 7, 8 and shall thereafter be retained.

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

4. Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction 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 Policy SG14 of the South Holland Local Plan, 2006.

5. Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted and approved by the local planning authority less the carriageway and footpath surface course.

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.

6. No dwellings shall be occupied before the first 60 metres of estate road from its junction with the public highway, including visibility splays has been completed.

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.

7. No development shall be commenced before detailed engineering drawings for the provision of a 1.8 metre wide footpath along the edge of High Road, between the site entrance and the end of the existing footway on High Road, have been submitted to and approved in writing by the local planning authority. The works as approved shall be completed prior to the occupation of any dwelling on the hereby approved development.

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.
8. Unless any parts of this condition are dispensed with in writing by the local planning authority, the development hereby permitted shall not be commenced until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) and until the measures approved have been implemented:
i) 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.
ii) 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.

9. Before development commences on site, a report prepared by a suitably qualified noise consultant shall be submitted to and approved in writing by the Local Planning Authority. This report shall identify any measures or works necessary to ensure that there is no possible nuisance caused to future occupiers of the properties by virtue of their close proximity to the commercial/agricultural premises in the vicinity. Those measures and work so approved by the Local Planning Authority shall be implemented in full before the dwellings to which they relate are first brought into use.

Reason: To protect the future occupiers from noise from nearby industrial premises. This Condition is imposed in accordance with Policies SG13, SG14 and SG17 of the South Holland Local Plan 2006.

10. 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 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.
11. 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.

12. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (prepared by Geoff Beel Consultancy, dated May 2016) forming part of this planning application and in particular the following mitigation measures:

- Finished floor levels of all dwellings shall be set no lower than 300mm above ground level.

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.

13. Before development commences 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 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 Policy SG14 of the South Holland Local Plan 2006.

14. 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.

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 Policy SG17 of the South Holland Local Plan, 2006.
15. Before the first occupation of the development hereby permitted the applicant shall submit to and have approved in writing by the Local Planning Authority details of the design and location of secure cycle storage for each dwelling on the site. No dwelling shall be occupied until the approved secure cycle storage has been provided and shall thereafter be retained.

Reason: To ensure that adequate secure facilities are provided for cyclists using the site, in order to encourage cycling as an alternative means of transport to the private car. This Condition is imposed in accordance with Policy SG15 of The South Holland Local Plan 2006.

16. 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.

17. Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the details so approved.

Reason: To ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent 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 Policies SG14 and SG17 of the South Holland Local Plan, 2006.

18. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980).

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway. 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.

19. Prior to the commencement of the development hereby permitted beyond oversite, 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.
20. 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 oversite. 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.

21. The development shall not commence until a scheme for the provision of biodiversity enhancements has been submitted to and approved in writing by the Local Planning Authority, including measures for planting indigenous species of plants, trees and shrubs to encourage bats and other protected species. The details as approved shall be carried out in their entirety within 24 months of the commencement of development.

Reason: To enhance and contribute to biodiversity in accordance with the guidance within the NPPF.

22. Before the commencement of the development hereby permitted beyond oversite, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out 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 Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan, 2006.

23. 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.
24. Before the development is commenced there shall be submitted to and approved in writing by the Local Planning Authority a scheme for the provision and phasing of 7 units of affordable housing on the site to meet local housing needs. The scheme shall identify how the affordable housing is to be provided, whether by means of a non-profit registered provider or otherwise, and the timing of delivery. In the submission of these details the location of each affordable housing unit shall be indicated, along with the size and tenure, the type of affordable housing, and arrangements for ensuring that the affordable housing to be provided meets identified local housing need. Not more than 13 of the total number of the approved dwellings, excluding the affordable element, shall be occupied until there has been a material commencement on the affordable housing units and not more than 20 of the approved dwellings, excluding the affordable element, shall be occupied until all the affordable housing units have been completed.

Note:
In order to comply with this condition it may be necessary for the applicant/developer to enter into a planning obligation and/or agreement. You are therefore asked to bear this in mind when determining the timing of your submissions.

Reason: To ensure that the affordable dwellings are provided to meet identified local need, and remain affordable in perpetuity. 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 HS8 of the South Holland Local Plan, 2006.

25. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

26. The development hereby permitted will require the provision of a new vehicular access crossing. Applicants are requested to contact the Local Highway Authority's Divisional Office at Pode Hole - (via call centre Tel: 01522 782070) prior to the commencement of any works within the public highway.

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

28. The applicant is reminded that it is an offence under the wildlife and Countryside Act, 1981 (as amended) to kill, injure, or take (handle) any protected species occupying a place of shelter or protection and also to take, damage or destroy the nest of any wild bird while that nest is in use or being built. If evidence of bats is found before or whilst the work is carried out you are advised to contact Natural England at their Lincoln office (telephone 03000 603900).

Background papers:- Planning Application Working File

Lead Contact Officer
Name and Post: Richard Fidler, Development Manager
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Appendices attached to this report:
Appendix A Plan A