

## SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 19 December 2018

(Author: Lucy Buttery - Senior Planning Officer)

Purpose: To consider Planning Application H02-0673-18

Application Number: H02-0673-18

Date Received: 05 July 2018

Application Type: FULL

Description: Erection of 47 dwellings with associated garaging, roads and sewers

Location: Land off Crease Drove Crowland

Applicant: Ashwood Homes

Agent: N K W Design 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=H02-0673-18>

### 1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Significant development, objections received and policy issues merit Committee consideration.

### 2.0 PROPOSAL

2.1 This is a full planning application for the erection of 47 dwellings with associated garaging, roads and sewers. The proposal comprises of a variety of detached and semi-detached dwellings and small terraces, comprising of 1-bed (2 no.), 2-bed (13 no.), 3-bed (27 no.) and 4-bed (5 no.) properties. The submitted plans show the development as a predominantly cul-de-sac format.

### 3.0 SITE DESCRIPTION

3.1 The application site is a greenfield site of approximately 1.71 hectares. There is greenfield land to the north and south of the site. Crease Drove and Crowland Cranes is to the west. An IDB maintained drain runs along the eastern boundary. Existing residential dwellings are located to the east of this, off Becceim Drive.

### 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.

HS7 - New Housing in the Open Countryside including Other Rural Settlements  
HS8 - Affordable Housing  
HS11 - Open Space in New Residential Developments  
SG1 - General Sustainable Development  
SG3 - Settlement Hierarchy  
SG4 - Development in the Countryside  
SG11 - Sustainable Urban Drainage Systems (SUDS)  
SG14 - Design and Layout of New Development  
SG15 - New Development: Facilities for Road Users, Pedestrians and Cyclists  
SG17 - Protection of Residential Amenity

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), 2018**

Paragraph 11 - Presumption in favour of sustainable development  
Section 5 - Delivering a sufficient supply of homes  
Section 6 - Building a strong competitive economy  
Section 9 - Promoting sustainable transport  
Section 12 - Achieving well-designed places  
Section 14 - Meeting the challenge of climate change, flooding and coastal change

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

## **5.0 RELEVANT PLANNING HISTORY**

5.1 The site itself has no relevant planning history.

5.2 An application for 47 dwellings on land immediately to the south of the site (H02-0575-18) was recently considered by Committee, and at the meeting on 14th November, Committee resolved to grant permission subject to the applicant entering into a s106 agreement for the provision of 4 affordable housing units and financial contributions towards healthcare provision and the delivery of improvements and additions to fitness equipment/facilities in Crowland.

5.3 Land immediately to the north has outline planning permission for up to 41 dwellings (H02-0723-16).

## **6.0 REPRESENTATIONS**

### **6.1 Ward Councillor**

Cllr Harrison - Pleased to see that this proposed development has been moved away from Crease Drove, in line with the adjacent development. However, would like to see some hedge/tree planting alongside the proposed railings, to make the open space area more appealing for residents and to soften the boundary between residential and heavy industry.

### **6.2 LCC Highways/SUDS**

No objections subject to a number of conditions. Conditions have been requested relating to the

widening and structural improvement of Crease Drove between Monks Meadow and Harvester Way, construction of a footway to the east of Crease Drove (and erection of associated street lighting) and submission of a surface water drainage scheme.

6.3 LCC Archaeology

No archaeological input required.

6.4 LCC Education

Financial contribution of £137,367 requested towards secondary and sixth-form provision to be spent at the Deepings School in South Kesteven.

6.5 SHDC Environmental Services

Standard comments re access roadways being constructed to an adoptable standard for purposes of refuse collection.

6.6 SHDC Environmental Protection

The conclusions of the acoustic assessment carried out by Acoustic Associates seem reasonable and I note the recommendations made regarding glazing and ventilation. I would ask that consideration be given to the orientation of habitable rooms in the proposed properties along the Crease Drove edge of the site and would suggest that they are designed to face into the site. Requests the full contaminated land condition.

6.7 Environment Agency

No objection, subject to condition requiring development to be carried out in accordance with the submitted FRA.

6.8 NHS

Evidence backed financial contribution request of £31,020 which would be used to co-locate primary and community facilities in one place to improve efficiency, enable more patients to be seen and increase service availability.

6.9 Lincolnshire Police

No objections, standard advice provided.

6.10 North Level IDB

No objection in principle. Note that byelaws have been adhered to.

6.11 Anglian Water

No objection, subject to condition requiring the submission of a foul water strategy and surface water management strategy.

6.12 Public

There have been 3 objections from members of the public highlighting the following key concerns:

- Site is not within defined settlement limit;
- Building on valuable agricultural land whilst brownfield sites remain within the town;
- Traffic congestion;
- Crease Drove is single track with no markings, footpath or street lighting;
- Impact of additional households on local amenities and facilities';
- Drainage.

Comments have also been received from Crowland Cranes whose premises are located

opposite the site. It should be noted that their comments were submitted prior to amended plans being received showing the dwellings set further back from Crease Drove. Crowland Cranes were reconsulted on the amended plans, however no additional comments from them have been received. In their comments they raised concerns about public safety and noise nuisance relating to the proximity of the commercial premises and dwellings.

## 7.0 MATERIAL CONSIDERATIONS

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

- Policy
- Flood risk and drainage
- Highway safety
- Character, appearance and impact upon residential amenity
- Other material considerations

### 7.2 Policy

7.3 The site is located outside of, but adjacent to, the defined settlement limits of Crowland as set out in the South Holland Local Plan (2006) and is therefore classed as being in the countryside. Sites located in the countryside would normally be assessed against Policy HS7 in the South Holland Local Plan (2006). This policy only allows residential development in the open countryside where there is an essential need, or small scale rural exception affordable housing that complies with Local Plan Policy HS9. In that context, as the proposal is neither for rural exceptions affordable housing nor essential to meet the needs of agricultural workers, the recommendation would normally be to refuse.

7.4 However, the Council does not currently have a 5-year supply of deliverable housing sites (4 years as at 31st March 2018). Paragraph 11 of the National Planning Policy Framework, 2018 (NPPF) states that where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, the most important policies for determining the application (i.e. those relating to the supply of housing) are considered out-of-date. Paragraph 11 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. Sustainable development is defined in paragraphs 7 and 8 of the NPPF as having three dimensions: economic, social and environmental.

7.5 Economic - The development may support the local economy through employment opportunities associated with construction and future occupants may work locally and support local services.

7.6 Social - The proposal would make an important contribution towards housing supply, and affordable housing, in the district (Section 5) and a safe form of development is capable of being created. A range of services and facilities are located within Crowland.

7.7 Environmental - The site in question when looked at in isolation does not relate particularly well to the existing built-up area with areas of undeveloped land to the north and south. However, when taking into account the likely future development of the surrounding area, this application site would round off the area well. The two fields to the north have outline planning permission for up to 41 dwellings (H02-0723-16) and 50 dwellings (H02-0554-16) respectively. Furthermore, the site immediately to the south is the subject of a resolution to grant full planning permission subject to the applicant entering into a s106 agreement for various contributions. Additionally, the land to the south of this either side of Harvester Way has outline planning permission for up to 100 dwellings (H02-1087-14). It is therefore considered that the proposed development could be accommodated without materially harming the character/appearance of the locality.

7.8 An objector raises concerns about the loss of valuable agricultural land when there are brownfield sites within the town which remain undeveloped. Although this may be the case, the size of the land is only 1.71 hectares, which is not large within the scale of modern agriculture. To deliver the Council's required housing need it is inevitable that some high-grade agricultural land will be lost, and 1.71 hectares would be considered acceptable.

- 7.9 The site is not a proposed housing allocation in the South East Lincolnshire Local Plan (Publication Version, March 2017) and is also outside the proposed settlement boundary for Crowland. The evidence base in support of the Local Plan highlights the nearby commercial activity and highway concerns over Crease Drove as reasons for it not being included.
- 7.10 Crowland is designated as an 'Area Centre' in the adopted 2006 Local Plan and a 'Main Service Centre' in the emerging Local Plan. In both instances a settlement of this nature is expected to play a significant role in delivering the housing target for the plan area.
- 7.11 In the context of the presumption in favour of sustainable development, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The remainder of the report seeks to determine whether this is the case in this instance.
- 7.12 It should be noted that the fact that the site has not been identified as a proposed housing allocation in the emerging SELLP is not of itself a reason for refusal of the application and it can be seen from the report below that the issues raised through the Local Plan process would not preclude permission being granted.
- 7.13 Flood Risk and Drainage
- 7.14 The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.
- 7.15 The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.
- 7.16 The site is located within Environment Agency Flood Zone 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies the site as mostly 'danger for all' in terms of flood hazard with predicted flood depths of 1.0-2.0m.
- 7.17 The emerging South East Lincolnshire Local Plan has identified sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. However, given the Council's lack of a 5-year housing land supply, it could be argued that it can not currently be demonstrated that there are sufficient reasonably available sites for housing that are sequentially preferable in flood risk terms across the district. As such, one could argue that, should the site be acceptable in all other regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable sites in the emerging Local Plan.
- 7.18 In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.
- 7.19 It is accepted that the development would provide some wider sustainability benefits to the community through its ability to help meet the housing need (including affordable housing), and other benefits including generating employment during the construction period, the provision of public open space and its proximity to a range of services and facilities.
- 7.20 The Environment Agency have reviewed the submitted Flood Risk Assessment and have no objections subject to development being carried out in accordance with its recommendations. In terms of making the development safe, this would result in finished floor levels being set at 1m

above existing ground level and demountable defences to 600mm above finished floor levels. This would be sufficient to mitigate against flood risk.

- 7.21 Given the above, it is considered reasonable to conclude that the Exceptions Test can be passed in this instance.
- 7.22 One objector raises concerns about the proposed drainage strategy and the perceived intention to convert the ditch between the application site and the site to the south into an underground storm drain. The County Council, as Lead Local Flood Authority, have requested a condition for further detail to be submitted relating to the proposed drainage strategy, however the information submitted so far suggests that only a small section of the ditch would be culverted, and this would be where the road crosses between sites. The County Council have not objected to the principle of this.
- 7.23 Highway Safety
- 7.24 Concerns have been raised in respect of highway safety and traffic congestion, including the perceived inadequacy of Crease Drove, which is single-track in this location, with no footpath or street lighting.
- 7.25 However, LCC Highways/SUDS have raised no objections subject to conditions being imposed. Conditions have been requested relating to the widening and structural improvement of Crease Drove between Monks Meadow and Harvester Way, and for the provision of one footway on the eastern side of Crease Drove, to include street lighting.
- 7.26 In the absence of an objection from County Highways, it is not considered that there is a defensible reason for refusal on highways grounds, particularly in the context of paragraph 109 of the NPPF, which states that "development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe".
- 7.27 Character, appearance and impact upon residential amenity
- 7.28 As stated previously, when taking into consideration the proposed future development in the surrounding area, development of the application site would round off the area well. Floor levels would have to be set at 1m above existing ground level, however it is not considered that this would have a significant adverse impact on the appearance of the dwellings. Overall, it is considered that the proposed development could be accommodated without materially harming the character/appearance of the locality.
- 7.29 One objector has raised concerns regarding provisions not being made to upgrade the boundary fence between the existing homes to the east and the proposed public open space. A condition will be added for details of boundary treatments to be submitted.
- 7.30 Being mindful of the concerns raised by Members at Committee on 10 October 2018 with regard to the adjacent site (H02-0575-18), the applicant has submitted an amended layout which effectively mirrors that site, with the exception of two 2-bed dwellings being substituted for two 1-bed dwellings to fulfil SHDC's Housing Strategy's request.
- 7.31 Impact upon adjacent commercial concerns and residential amenity
- 7.32 Concern has been raised regarding the interrelationship with the proposed housing and nearby commercial activity, specifically Crowland Cranes to the west. The frontage of Crowland Cranes does not currently stretch the whole way across the application site, however there is an extant permission for the business to extend the rest of the way across opposite the site for a crane storage and demonstration area (H02-0421-17).
- 7.33 Paragraph 182 of the NPPF states that "planning decisions should ensure that new development can be integrated effectively with existing businesses and that such businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business could have a

significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

- 7.34 Considering this in the context of the proposed development, the development itself would represent the 'agent of change' and mitigation would be provided in the form of setting back dwellings from Crease Drove by at least 35 metres with open space to be provided in front to help minimise noise issues. Furthermore, this application is accompanied by a noise assessment, which is to the satisfaction of colleagues in Environmental Protection. It was however asked that consideration be given to the orientation of habitable rooms in the proposed properties along the Crease Drove edge of the site and it was suggested that they are designed to face into the site. As a result, the ground floor level of these properties has been reversed so that the kitchens are facing Crease Drove and living rooms are facing into the site.
- 7.35 On the basis of the submitted noise assessment, that is to the satisfaction of Environmental Protection colleagues, and the mitigation proposed, it is not considered that there is a defensible reason for refusal on the grounds that the existing commercial operations would have a significant adverse impact on the living conditions of future occupiers with regard to noise and disturbance. Overall, it is considered that the proposed development can be integrated effectively with the existing commercial activity, in accordance with Paragraph 182 of the NPPF.
- 7.36 It is not considered that there would be a material adverse impact on residential amenity in terms of overlooking, loss of light or by having an overbearing effect. The proposed dwellings at the east of the site are set well away from the existing dwellings located on Becceilm Drive (being separated by an area of open space), and the dwellings within the site are designed in such a way that there should be no significant impacts on residential amenity.
- 7.37 Viability
- 7.38 As members will be aware, given the direction of travel with the soon to be adopted Local Plan, 25% affordable housing provision is required. In addition to this, requests for financial contributions have been made by Lincolnshire County Council in respect of education, the NHS in respect of healthcare provision and Crowland Parish Council in respect of recreation provision for children and fitness provision.
- 7.39 Following the submission of viability evidence, which the Council has independently verified, there is evidence to support the developer's assertion that 25% affordable housing cannot viably be delivered. The evidence suggests that 7 affordable homes (15%) could be provided, alongside the requested financial contributions for education and healthcare provision. The affordable homes would comprise of 2 x 1 bed, 2 x 2 bed and 1 x 3 bed for rent, and 1 x 2 bed and 1 x 3 bed for shared ownership. An alternative of 9 affordable units (19%) with no financial contributions towards education and healthcare provision was also found to be viable. .
- 7.40 However, the NHS request differs from its usual form in that it is stated that the financial contribution would be used to co-locate primary and community services in one place, rather than being for a specific GP practice. It has been advised that the Clinical Commissioning Group for the area are currently reviewing a number of potential locations which will be away from the current primary care practices in the area. As such, it is stated that flexibility would be required as to how the funds are utilised to ensure they can be aligned with the desired location. Paragraph 56 of the NPPF states that planning obligations must only be sought where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Legal advice has been sought from SHDC's Senior Planning Lawyer with regard to whether this new type of request complies with these three tests. Given that there is no certainty regarding where the contribution would be spent and it is not clear how it is related in scale and kind the development, it has been concluded that the request is not specific enough to meet the latter two tests in Paragraph 56 . Furthermore, it would not translate into a s106 agreement and there is no certainty for the landowner and/or developer.
- 7.41 Where a full array of contributions is unable to be provided due to viability, there is a need to prioritise the requests and this is ultimately a decision for the Planning Committee. Strategic Housing is supportive of either option being delivered in terms of affordable housing. In this instance, it is considered that an approach which prioritises the delivery of a varied package of

infrastructure in Crowland is the most appropriate way forward. As such, the recommendation is for 7 (15%) affordable units (Plots 1-5 as rented and Plots 6 and 46 as shared ownership), £122,633 towards the provision of open space and recreation provision for children and young people in Crowland and £14,734 towards secondary education provision. This approach would mean that the majority of the education sum requested by the County Council would be redirected to Crowland Parish Council. The reasoning behind this being that the education contribution would be spent at The Deepings School, which is outside South Holland district, but redirecting the funding to the Parish Council will ensure that it remains in the district.

#### 7.42 Other Considerations

7.43 Concerns relating to the provision, and strain on existing, infrastructure (utilities, services and facilities) are noted. However, there have been no objections from infrastructure providers. Furthermore, the emerging South East Lincolnshire Local Plan is required to plan fully for the provision of all types of infrastructure to support the future growth of the District.

#### 7.44 Conclusions

7.45 When applying the planning balance, in terms of the specific details of the scheme, it is not considered that there are any adverse impacts that would significantly and demonstrably outweigh the benefits of delivering housing in this location. This conclusion, in conjunction with the Council's current lack of a 5-year supply of deliverable housing sites, means that the presumption in favour of sustainable development is considered to apply in this instance.

### 8.0 RECOMMENDATIONS

8.1 **Authorised to Grant Permission subject to the applicant entering into a Section 106 agreement for the provision of 7 affordable housing units and financial contributions of £122,633 towards open space and recreation provision for children and young people in Crowland and £14,734 towards secondary education provision at The Deepings School 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:  
1233-LP;  
1229-004F;  
100-WELL-001;  
100-RIBB-001;  
100-MER-001;  
100-MER-001;  
100-LCK-001;  
100-CLY-001;  
100-AV-001;  
100-TAY-001A;  
100-TAY-002B;  
98-A732-001A;  
98-A902-001A;  
98-A516-001;  
SG-01;  
DSG-01;  
DG-01;  
Noise Assessment (Report No. SEM/J3311/16837), prepared by Acoustic Associates Peterborough, dated June 2018);  
Transport Assessment (prepared by ADC Infrastructure Ltd, dated 27th June 2018); and  
Flood Risk Assessment (prepared by Inspire Design and Development Ltd, dated July 2018).

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

3. No dwelling shall be occupied until such time as details have been submitted to, and approved in writing by, the Local Planning Authority for the structural improvement and widening of Crease Drove, including highway drainage, along the whole frontage of the site and extending to Harvester Way, and the provision of one footway on the eastern side of Crease Drove, to include street lighting and highway drainage, along the whole frontage of the site and extending to Harvester Way. The submitted details shall also include a programme for the construction of the improvement works, works which shall in any event be completed in their entirety, in accordance with the approved details, prior to the occupation of any dwelling on the permitted 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.

4. 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.

5. No dwelling (or other development as specified) shall be commenced before the first 60 metres of estate road from its junction with the public highway, including visibility splays, have been completed.

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 Policies SG14 and SG15 of the South Holland Local Plan, 2006.

6. 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, unless agreed otherwise with the surface water receiving body, 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 14 of the National Planning Policy Framework, 2018.

7. No development shall commence until a foul water strategy has been submitted to, and approved in writing by, the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

This Condition is imposed in accordance with Policies SG12 and SG13 of the South Holland Local Plan 2006.

8. 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:
- i) a desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.
  - 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.

9. 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 Crease 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.

10. 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.
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. 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 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 national guidance contained in Section 14 of the National Planning Policy Framework, 2018.
13. Before the commencement of the development hereby permitted beyond oversight, 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 the planting schedule and post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out in accordance with the approved planting schedule. 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
14. 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.

15. Before the commencement of the development hereby permitted beyond oversight 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.

16. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (prepared by Inspire Design and Development Ltd, dated July 2018) 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:

- Buildings shall be a minimum of two storey;
- Finished floor levels shall be set at a minimum of 1m above existing ground level;
- Demountable defences shall be installed up to 600mm above finished floor levels; and
- Flood resilient construction shall be incorporated up to 300mm above the predicted flood depth.

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.

17. 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>

18. \*\*\*\* 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

19. All roads within the development hereby permitted must be constructed to an engineering standard equivalent to that of adoptable highways. Those roads that are to be put forward for adoption as public highways must be constructed in accordance with the Lincolnshire County Council Development Road Specification that is current at the time of construction and the developer will be required to enter into a legal agreement with the Highway Authority under Section 38 of the Highways Act 1980. Those roads that are not to be voluntarily put forward for adoption as public highways, may be subject to action by the Highway Authority under Section 219 (the Advance Payments code) of the Highways Act 1980.

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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

