

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 13 March 2019

(Author: Lucy Buttery - Senior Planning Officer)

Purpose: To consider Planning Application H16-1117-18

Application Number: H16-1117-18

Date Received: 06 November 2018

Application Type: FULL

Description: Hybrid Application: Full Planning Application for 34 Dwellings and Associated Infrastructure together with an Outline Application for a Community Hall and Car Park

Location: Land to the North of Witham Road Wygate Park Spalding

Applicant: Kier Living Ltd

Agent: Kier Living Ltd

Ward: Spalding Wygate

Ward Councillors: Cllr R Gambba-Jones
Cllr C J Lawton

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

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-1117-18>

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 hybrid application which seeks full planning permission for 34 dwellings and associated infrastructure and outline planning permission for a community hall and car park on land to the north of Witham Road, Wygate Park, Spalding.

2.2 The full element of the application comprises of a variety of detached and semi-detached dwellings and small terraces, comprising of 2-bed (7 no.) and 3-bed (27 no.) properties. All properties would be provided with space to park 2 vehicles off-road. The proposal is for 100% market dwellings. A new access road would be created from Witham Road to the south.

2.3 The outline element of the application is for a new community centre and car park with the indicative plan showing 29 spaces. It was originally intended that a community building would be constructed as part of the Wygate Park development and this was included in the original description of the development and the s106 agreement (application ref. H16-0578-01). However, the time period to apply for reserved matters for the community building has now expired and the s106 agreement only provides for a small generic building that would not meet the needs of the local community. In order to still fulfil the original obligation, the applicant has now agreed to provide a serviced site for the community centre with connections to the necessary utilities (which would be transferred to the District Council) and to pay a £100,000 contribution to the District Council to fund the construction of the community facility. This is to be secured through a unilateral undertaking.

2.4 In addition, the applicant has agreed to carry out works to the remaining open space to provide a level grassed surface for play.

3.0 SITE DESCRIPTION

3.1 The application site is a large, uneven, area of grassed open space located immediately to the east of Wygate Park Academy. There are residential properties to the south, east and north (off Witham Road, Sharman Way and Tyne Close). An electricity substation and a foul pump station are in the south-western corner of the site.

3.2 There are a range of 2, 2.5 and 3 storey properties in the vicinity.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South Holland District Local Plan, July 2006

The Council is in the process of finalising a new Local Plan (the South East Lincolnshire Local Plan). The new Local Plan has been through its formal Examination process and the final report from the Planning Inspectorate has now been received. However, the new Local Plan has yet to be formally adopted. The saved policies in the 2006 Adopted South Holland Local Plan therefore remain material. However, the new Local Plan is now considered to carry significant weight in the decision-making process.

HS4 - New Housing in Spalding and the Area Centres (Other Towns and Donington) (Non-Allocated Sites)

HS8 - Affordable Housing

HS11 - Open Space in New Residential Developments

SG1 - General Sustainable Development

SG3 - Settlement Hierarchy

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

LT2 - Safeguarding Open Space for Sport, Recreation and Leisure

South East Lincolnshire Local Plan (scheduled to be adopted March 2019)

Policy 1 - Spatial Strategy;

Policy 2 - Development Management;

Policy 3 - Design of New Development;

Policy 4: Approach to Flood Risk;

Policy 6: Developer Contributions;

Policy 11: Distribution of New Housing;

Policy 17: Providing a Mix of Housing;

Policy 18: Affordable Housing;

Policy 32: Community, Health and Well-being;

Policy 36: Vehicle and Cycle Parking.

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), February 2019

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

5.0 RELEVANT PLANNING HISTORY

- 5.1 H16-0578-01 - Outline planning application for the erection of residential estate development, including community centre, public open space/footpaths/cycleways (approved 6 November 2003)
- 5.2 H16-0623-10 - Reserved matters planning application for the erection of 161 dwellings (approved 11 March 2014)

6.0 REPRESENTATIONS

6.1 SHDC Environmental Services

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

6.3 SHDC Environmental Protection

- 6.4 No objections subject to additional ground gas monitoring being undertaken.

6.5 LCC Highways/SUDS

- 6.6 No objections subject to standard highways conditions.

6.7 LCC Education

- 6.8 Financial contribution of £56,382 requested towards primary provision at Wygate Primary.

6.9 NHS

- 6.10 Evidence backed financial contribution request of £22,440, which would go towards extending the car park at Munro Medical Centre.

6.11 Anglian Water

- 6.12 Highlight that the site is within 15 metres of a sewage pumping station and that siting dwellings within this distance would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station.

6.13 Lincolnshire Police

- 6.14 No objections in principle. Standard advice provided.

6.15 PEDALS

- 6.16 Objects to full element of application on basis that provision is not made for the storage of bicycles. With regard to outline element of application, requests a condition requiring the submission of details of cycle storage and parking facilities.

6.17 Public

- 6.18 There have been 2 objections from members of the public highlighting the following key concerns:
- Highway safety
 - Not enough parking provision
 - Area is already overcrowded
 - Overlooking and loss of light
 - Loss of public green space
 - Access to open space should be maintained from existing properties
 - Query why original s106 agreement, which included community centre, has not been enforced
 - Query whether £100,000 is enough to build a community centre
 - Is there a need for a community centre
 - Where is viability evidence to support the assertion that affordable housing cannot be provided
 - New Local Plan will soon be adopted with a 5-year supply
 - Proposal doesn't comply with Local Plan Policy HS11 which requires 14% open space within a scheme
 - Impact on existing drainage system
 - Noise, vibration and general disturbance from construction

7.0 MATERIAL CONSIDERATIONS

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

- Policy
- Flood risk and drainage
- Highway safety
- Character and appearance of the development
- Likely impact upon residential amenity
- Viability
- Other material considerations

7.2 Policy

7.3 The site is located within the settlement boundary for Spalding as set out in the South East Lincolnshire Local Plan (2019) (SELLP) and so the proposed development would, in principle, be acceptable in this location.

7.4 However, the site was identified as part of two areas of open space in the approved reserved matters application ref. H16-0623-10 (the other being located to the north of Derwent Way) and effectively forms part of the accepted open space provision for the wider residential development approved under outline application ref. H16-0578-01. The outline application covered an area of land approximately 22 hectares in size, and the total open space provision, as required by the outline, amounts to approximately 3.08 hectares - This application was determined under the South Holland Local Plan (1998), which set out a requirement for play space to be provided at a minimum rate of 7.5% of gross site area. The development has therefore provided in excess of this requirement.

7.5 Furthermore, the site is identified as open space in the SELLP. However, the SELLP sets out a different mechanism for calculating open space provision when compared to previous local plans. This plan sets out a standard of 0.75ha of open space per 1,000 additional persons. Based on average household size data for South Holland District in the 2011 Census (2.3 persons per household), the amount of open space that a development of 670 dwellings would now be expected to provide to be in accordance with the SELLP would be 1.16ha. This is considerably less than the 3.08ha previously deemed to be required for the wider development at Wygate Park. Although the loss of open space on the site is understandably contentious, the amount of open space that would be lost (1ha) to dwellings and for the community centre would still leave an amount of open space in excess of the present day assessed requirement. Furthermore, based on the open space standard set out within the SELLP, the amount of open space that would be included within the residential part of the site (0.03ha) would comply with Policy 32 (Community, Health and Well-being). Consequently, based on current policy, it is not considered that the loss of open space should amount to a reason for refusal.

7.6 Flood risk and drainage

7.7 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 a combination of no hazard, low hazard and danger for some, with flood depths of up to 0.5m in places. This can be mitigated by raising finished floor levels.

- 7.8 In terms of surface water drainage, there have been no objections from the Lead Local Flood Authority (Lincolnshire County Council) to the proposed drainage strategy.
- 7.9 Highway safety and parking provision
- 7.10 Access to the site would be via a single adopted road off Witham Road with 3 short private drives from this. One property would be accessed directly from Witham Road. Details of the management of the private drives, areas of incidental open space and waste collection points will be secured via condition.
- Concern has been raised regarding highway safety, the potential for increased parking problems and the lack of cycle storage facilities. The latter will be secured by condition. The Highways Authority have not objected to the application, subject to a standard condition. Furthermore, parking provision would be in accordance with the parking standards set out in the SELLP (2 spaces for dwellings with 3 or less bedrooms). It is therefore not considered that a refusal would be warranted on these grounds.
- 7.11 Character and appearance of the development
- 7.12 The development would provide 3 different property designs in total, split across: 5 x 2 bed houses; 27 x 3 bed houses; and 2 x 2 bed coach house flats.
- 7.13 Concern has been raised by an objector regarding the perceived high density of the existing development and the further impact the proposed development would have. The average density of the wider development of 670 dwellings is approximately 38.5/ha, which is not unacceptable for a town such as Spalding. The proposed development would amount to approximately 42.5 dwellings per hectare which, although would be greater than the wider area as a whole, would be no more concentrated than the dwellings immediately to the north and south of the site. The proposed density is therefore considered to be acceptable.
- 7.14 Anglian Water in their comments have drawn attention to the sewage pumping station at the south of the site and the necessary 15m cordon sanitaire. This buffer has been observed in so much that built structures themselves are located outside of it but the rear gardens of plots 1-3 fall within it.
- 7.15 A planted bund 5m wide and up to 2m high is proposed around the northern and eastern sides of the proposed community centre site. Although this would have a visual impact, it would serve to screen the site from the wider development on this side.
- 7.16 Overall, it is not considered that there are any material issues relating to the character and appearance of the proposed development that should justify refusal.
- 7.17 Likely impact upon residential amenity
- 7.18 Concerns have been raised in respect of the impact upon residential amenity, with particular concerns regarding overlooking and loss of light. Separation distances are considered acceptable in terms of the relationship between proposed and existing properties.
- 7.19 There are properties which would adjoin the play area of Wygate Park Academy, however any noise would be limited to school hours and should be expected when purchasing a property next to a school.
- 7.20 Overall, it is not considered that there would be any impacts so significant as to justify a refusal on amenity grounds.

7.21 Viability

7.22 Policy 18 of the SELLP sets out that 25% affordable housing will be sought on market housing sites of 11 or more dwellings. Based on this, it would be expected that 9 affordable dwellings would be provided on site. In addition to this, requests for financial contributions have been made by Lincolnshire County Council in respect of education and the NHS in respect of healthcare provision.

7.23 However, given that the intention behind this hybrid application is to enable the applicant to provide a financial contribution of £100,000 towards the construction of a new community centre as well as the provision of a serviced site for this facility, viability evidence has been submitted by the applicant to demonstrate that a full package of planning obligations cannot be delivered. The Council has had this evidence independently verified, and there is evidence to support the developer's assertion that 25% affordable housing cannot viably be delivered. The evidence suggests that 1 affordable unit (3%) could be provided, alongside the requested financial contributions for education and healthcare provision. An alternative of 3 affordable units (9%) with no financial contributions towards education and healthcare provision was also found to be viable.

7.24 Strategic Housing is supportive of either option being delivered in terms of affordable housing. However the applicant strongly contends that, in their experience, a single affordable unit would not be attractive to an affordable housing provider and their wish is to only provide the 3 financial contributions (community centre, education and NHS). Strategic Housing are in disagreement with this view and make reference to a site off Station Road in Holbeach (ref. H09-0436-13) where a registered provider has acquired a single unit on Phase 3 of the scheme. It is therefore clear that a decision needs to be made in respect of which option to take in terms of developer contributions and this is a decision which is ultimately for the Planning Committee.

7.25 Given the need to ensure the delivery of the community centre (which was a requirement of the original outline application) in a timely manner, and the proposed open space improvements, it is considered that a compromise needs to be reached. As such, it is considered that an approach which prioritises the education and NHS contributions alongside the contribution towards the community centre would be the most appropriate way forward.

7.26 Other material considerations

7.27 An objector queries whether £100,000 is enough to build a community centre. This figure derives from the original s106 for the outline application of 670 dwellings which stated that the total of the community facility building costs to be paid by the owners shall not exceed £100,000.

7.28 There is also a query as to why the original s106 agreement, which included the community centre, was not enforced in the past. With regard to this point, the s106 agreement sets out trigger points for various aspects of infrastructure and, for a long period of time, the development did not proceed to a stage where the community centre would be required to be delivered. Furthermore, the specification of the building set out in the s106 of the agreement was something the District Council later decided it did not wish to take on. The agreement only provided for a small generic community centre building, whereas this hybrid application will allow a larger building that is suited to the community.

7.29 In respect of the query as to whether there is a need for a community centre in this location, Wygate Park is a large development and it is considered that there is a need to provide wider community benefits in addition to the school and the other infrastructure requirements set out in the s106 agreement. The proposed community centre would address this.

7.30 Noise, vibration and general disturbance from construction are not material planning considerations.

7.31 An objector has asked whether access to the open space can be maintained from existing properties on Tyne Close. In response to this, the applicant has agreed to a pedestrian access point on the northern boundary, which is to be secured by condition.

7.32 Conclusion

7.33 The principle of residential development in this location is considered acceptable in the context of its location within the settlement boundary for Spalding in the SELLP and, given the current policy context in respect of open space and existing provision in the wider development, it is considered that the loss of approx. 1ha of open space is acceptable in policy terms. There are no other issues in respect of residential amenity, impact on character, flood risk, highway safety or viability that are considered to represent a defensible reason for refusal.

8.0 RECOMMENDATIONS

8.1 **Authorised to Grant Permission subject to the applicant entering into a Unilateral Undertaking for the provision of a serviced site for the proposed community centre and financial contributions of £100,000 towards the build costs of the community centre, £56,382 towards primary education provision at Wygate Park Academy, £22,440 towards extending the car park at Munro Medical Centre and those Conditions listed at Section 9.0 of this report.**

9.0 CONDITIONS

1. FULL ELEMENT CONDITIONS

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:
- 520-247_PL_LP101;
 - 520-247_PL_LP102;
 - 520-247_PL_BP101;
 - 520-247_PL_SP101;
 - 520-247_PL_SP102;
 - 520-247_PL_SP103;
 - 520-247_PL_SP104;
 - 520-247_PL_VS101;
 - CHARLTON - 01;
 - CHARLTON - 02;
 - CHARNWOOD - 01;
 - CHARNWOOD - 02;
 - HOPWOOD - 01;
 - HOPWOOD - 02;
 - ROSEWOOD - 01;
 - ROSEWOOD - 02;
 - 520-247_PL_GA05 Rev A;
 - 520-247_PL_GA01;
 - 520-247_PL_GA02;
 - 520-247_PL_GA03;
 - 520-246_PL_GA04;
 - KIER22184-11 Sheet 1 of 2;
 - KIER22184-11 Sheet 2 of 2;
 - KIER22184-12A Sheet 1 of 2;
 - KIER22184-12A Sheet 2 of 2;
 - Soft landscape specification (prepared by Kier, dated October 2018);
 - 18277-5-100A;
 - 25466 Sheet 1 (Topographical and Utility Survey);
 - 25466 Sheet 1 (Topographical and Utility Survey);
 - 06-STD-EXT-04 Rev A;
 - 06-STD-EXT-05 Rev A;
 - 06-STD-EXT-08 Rev A;
 - 06-STD-EXT-28 Rev A;
 - Flood risk assessment and drainage strategy (prepared by Woods Hardwick Infrastructure LLP, dated October 2018);
 - Geo-Environmental Site Investigation (Public Open Space, prepared by BRD Environmental Ltd, dated October 2018);
 - Contamination Assessment (Community Hall & Retained POS, Wygate Park, Spalding (prepared by BRD Environmental Ltd, dated January 2019);
 - Letter response to comments from BRD Environmental Ltd (ref. BRD241183-let12, dated 7th January 2019);
 - Ground Gas Risk Assessment (prepared by BRD Environmental Ltd, dated March 2011);
 - Site Investigation (Residential Area, Wygate Park, Spalding) (prepared by BRD Environmental Ltd, dated September 2010);
 - Site Investigation (School Site, Wygate Park, Spalding) (prepared by BRD Environmental Ltd, dated September 2010);
 - Site Investigation (Open Space, Wygate Park, Spalding) (prepared by BRD Environmental Ltd, dated September 2010); and
 - Site Investigation (Southern and Eastern Areas, Wygate Park, Spalding) (prepared by BRD Environmental Ltd, dated August 2012).

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

3. Before the commencement of the development hereby permitted, a scheme to prevent the ingress of hazardous ground gasses to the buildings shall be submitted to and approved by the local planning authority. This should include detailed design, specification and proposed verification schedule. No deviation shall be made from this scheme without the express written agreement of the local planning authority.

The applicant's attention is drawn to the Yorkshire and Lincolnshire Pollution Advisory Group document 'Verification requirements for gas protection systems - Technical guidance for developers, landowners and consultants'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised. This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan, 2006.

4. Prior to the first occupation of any dwelling, two copies of a full closure report shall be submitted to and approved in writing by the local planning authority. The report shall provide verification that the required works regarding ground gas ingress have been carried out in accordance with the approved scheme.

The applicant's attention is drawn to the Yorkshire and Lincolnshire Pollution Advisory Group document 'Verification requirements for gas protection systems - Technical guidance for developers, landowners and consultants'.

Reason: To ensure satisfactory remediation of any contamination. This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan, 2006.

5. If, during redevelopment, contamination not previously considered is identified, the Local Planning Authority shall be notified immediately. 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 Local Planning Authority.

Reason: To ensure satisfactory remediation of any contamination. This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan, 2006.

6. Before the commencement of development hereby permitted, details of the landscape management and maintenance schedule for the areas of public open space, incidental open space, refuse/recycling collection points and parking courts/private drives shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be maintained in accordance with the approved details.

Reason: To ensure that provision is made for the management and maintenance of communal areas. This 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 SG1 and HS11 of the South Holland Local Plan 2006.

7. 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 Witham Road 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.

8. 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, 2019.

9. No part of the development hereby permitted shall be occupied before details of the means of storage and disposal of refuse and recycling have been submitted to and approved in writing by the Local Planning Authority. The approved scheme in accordance with any approved phasing shall be fully implemented before the first use of the development 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 Condition is imposed in accordance with Policies SG13 and SG17 of the South Holland Local Plan, 2006.

10. 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 Policy SG14 of the South Holland Local Plan, 2006.

11. The scheme of landscaping and tree planting shown on dwg. no's. KIER22184-11 Sheet 1 of 2 and KIER22184-11 Sheet 2 of 2 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.

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.

12. 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 (or other development as specified).

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

13. No part of the development hereby permitted shall be occupied before details of a pedestrian access point on the northern boundary of the site from Tyne Close has been submitted 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: To ensure that provision is made for access from existing properties to open space within the site, in the interest of health and wellbeing.

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

14. No part of the development hereby permitted shall be occupied before details of provision for cycle storage/parking for all approved dwellings shall be approved in writing by the Local Planning Authority.

Reason: To ensure that adequate secure facilities are provided for cyclists using the site. This Condition is imposed in accordance with Policy SG15 of the South Holland Local Plan, 2006.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out.

- i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks; and
- ii) the erection of house extensions including conservatories, garages, car ports, porches or pergolas.

Reason: To ensure that the same level of protection is afforded to future extensions and freestanding curtilage buildings as the approved scheme in respect of ground gas measures. This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan, 2006.

16. 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.

17. OUTLINE ELEMENT CONDITIONS

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

Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

18. No development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:
- i) the layout, scale and external appearance of building(s), including a schedule of external materials to be used;
 - ii) the means of access to the site;
 - iii) the landscaping of the site;
 - iv) the means of sewage and surface water disposal;
 - v) the existing and proposed site levels and floor levels of the buildings and hard surfaced areas.

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

This Condition is imposed in accordance with Policies SG12, SG13, SG14 and SG18 of the South Holland Local Plan, 2006 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

19. The development hereby permitted shall be carried out in accordance with the following approved plans:
- 520-247_PL_LP101;
 - 520-247_PL_LP102;
 - 520-247_PL_BP101;
 - 520-247_PL_SP101;
 - 520-247_PL_SP103;
- Flood risk assessment and drainage strategy (prepared by Woods Hardwick Infrastructure LLP, dated October 2018);
18277-5-100A;
25466 Sheet 1 (Topographical and Utility Survey);
25466 Sheet 1 (Topographical and Utility Survey); and
Geo-Environmental Site Investigation (Public Open Space, prepared by BRD Environmental Ltd, dated October 2018);
Contamination Assessment (Community Hall & Retained POS, Wygate Park, Spalding (prepared by BRD Environmental Ltd, dated January 2019);
Letter response to comments from BRD Environmental Ltd (ref. BRD241183-let12, dated 7th January 2019);
Ground Gas Risk Assessment (prepared by BRD Environmental Ltd, dated March 2011);
Site Investigation (Residential Area, Wygate Park, Spalding) (prepared by BRD Environmental Ltd, dated September 2010);
Site Investigation (School Site, Wygate Park, Spalding) (prepared by BRD Environmental Ltd, dated September 2010);
Site Investigation (Open Space, Wygate Park, Spalding) (prepared by BRD Environmental Ltd, dated September 2010); and
Site Investigation (Southern and Eastern Areas, Wygate Park, Spalding) (prepared by BRD Environmental Ltd, dated August 2012).

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

20. Before the commencement of the development hereby permitted, a scheme to prevent the ingress of hazardous ground gasses to the building shall be submitted to and approved by the local planning authority. This should include detailed design, specification and proposed verification schedule. No deviation shall be made from this scheme without the express written agreement of the local planning authority.

The applicant's attention is drawn to the Yorkshire and Lincolnshire Pollution Advisory Group document 'Verification requirements for gas protection systems - Technical guidance for developers, landowners and consultants'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised. This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan, 2006.

21. Prior to the first use of the development hereby permitted, two copies of a full closure report shall be submitted to and approved in writing by the local planning authority. The report shall provide verification that the required works regarding ground gas ingress have been carried out in accordance with the approved scheme.

The applicant's attention is drawn to the Yorkshire and Lincolnshire Pollution Advisory Group document 'Verification requirements for gas protection systems - Technical guidance for developers, landowners and consultants'.

Reason: To ensure satisfactory remediation of any contamination.
This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan, 2006.

22. If, during redevelopment, contamination not previously considered is identified, the Local Planning Authority shall be notified immediately. 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 Local Planning Authority.

Reason: To ensure satisfactory remediation of any contamination.
This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan, 2006.

23. 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>

Background papers:- Planning Application Working File

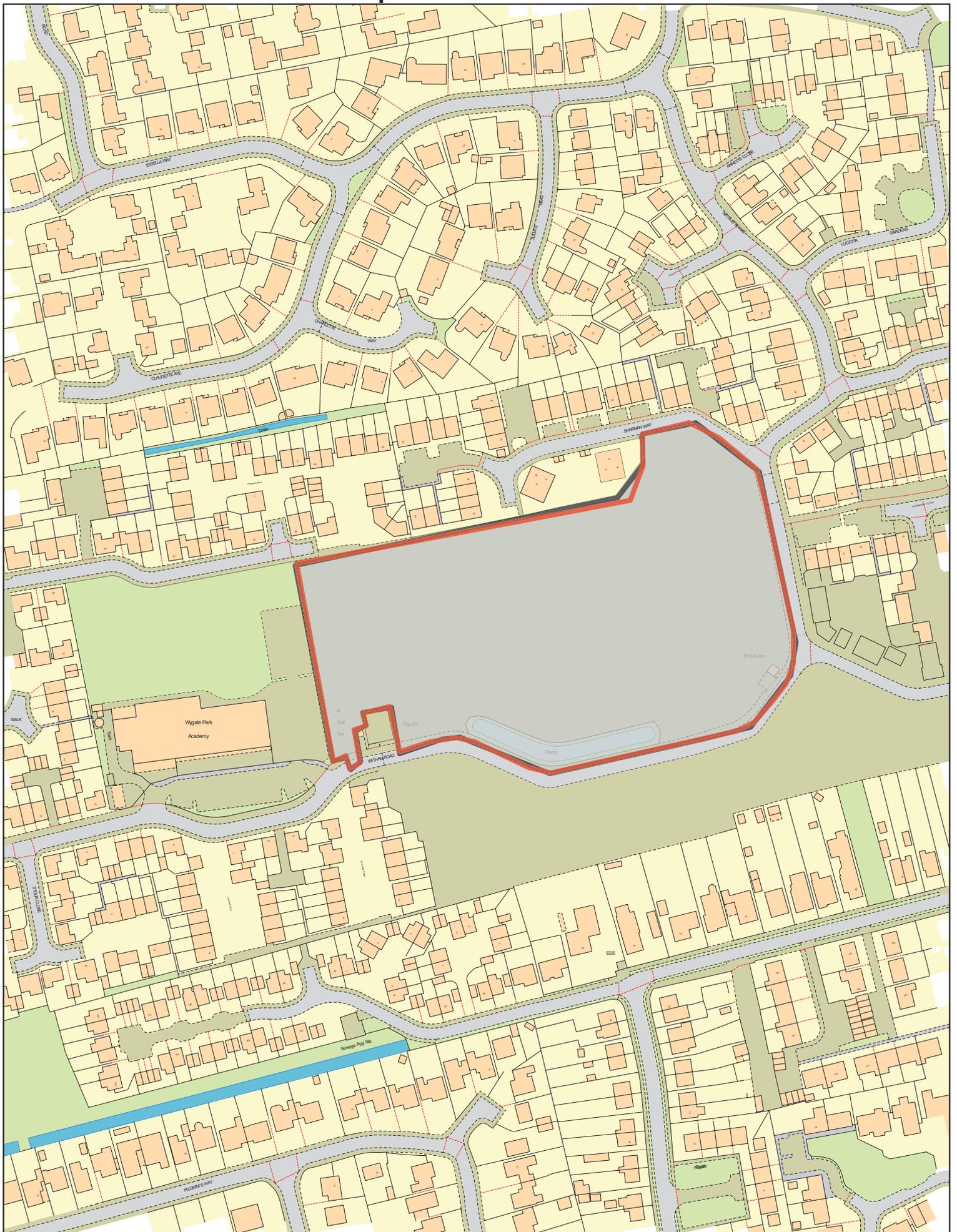
Lead Contact Officer

Name and Post: Richard Fidler , Development Manager
Telephone Number: 01775 764428
Email: rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



SOUTH



HOLLAND DISTRICT COUNCIL

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