

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 06 September 2023

(Author: Maxine Simmons - Planning Officer)

Purpose: To consider Planning Application H02-0285-23

Application Number: H02-0285-23

Date Received: 24 March 2023

Application Type: RESERVED MATTERS

Description: Erection of 6 dwellings and associated works - outline approval H02-0669-19

Location: Land off James Road Crowland

Applicant: A D, R M, J M & B Alcock

Agent: Studio 11 Architecture

Ward: Crowland and Deeping

Ward Councillors: Cllr B Alcock
Cllr J R Astill
Cllr A Harrison

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

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H02-0285-23>

1.0 REASON FOR COMMITTEE CONSIDERATION

- 1.1 One of the applicants is a District (and Ward) Councillor and therefore requires Committee consideration.

2.0 PROPOSAL

- 2.1 The proposal relates to reserved matters for up to 6 self-build eco-homes with access from James Road. Condition 4 of H02-0669-19 required reserved matters in relation to: the estate layout, the siting, design, external appearance and materials of each building, vehicular access to a highway or estate road, means of foul and surface water disposal, details of tree planting, and existing and proposed site levels and floor levels and hard surfaced areas.
- 2.2 The access is approximately 280 metres in length on land to the north of Crowland Garden Centre, Crowland. A pedestrian access is shown linking to an existing footpath that travels through adjoining land and then on to Postland Road.

3.0 SITE DESCRIPTION

- 3.1 The site is approximately 1.58 hectares in size and is in agricultural use. It is located to the north-east of Crowland. To the south lies the existing garden centre, now closed, which was accessed by Postland Road. Further open agricultural land lies to the north, east and west.
- 3.2 The site is located outside of, and removed from, the settlement boundary of Crowland as identified within the South East Lincolnshire Local Plan (SELLP) adopted in March 2019.

3.3 The land sits within Flood Zone 3, on land identified as Danger for all.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

4.2 South East Lincolnshire Local Plan, March 2019

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.

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 28 - The Natural Environment
Policy 29 - The Historic Environment
Policy 36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 2- Achieving Sustainable Development
Section 4 - Decision Making
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Planning Practice Guidance (PPG)

4.3 The Self-Build and Custom Housebuilding Act 2015

4.4 The Act (as amended by the Housing and Planning Act 2016) provides a legal definition of self-build and custom housebuilding. The Act does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.

4.5 In considering whether a home is a self-build or custom build home, relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.

4.6 The Act also sets a 'duty to grant planning permission etc', specifically "...authorities must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a base period."

4.7 To increase the number of planning permissions which are suitable for self-build and custom housebuilding, Councils are encouraged to work towards:

- developing policies in their Local Plan for self-build and custom housebuilding;
- using their own land if available and suitable for self-build and custom housebuilding and marketing it to those on the register;
- engaging with landowners who own sites that are suitable for housing and encouraging them to consider self-build and custom housebuilding and facilitating access to those on the register where the landowner is interested; and

- working with custom build developers to maximise opportunities for self-build and custom housebuilding.

5.0 RELEVANT PLANNING HISTORY

5.1 H02-0669-19 - Outline Application for the erection of 6 self-build eco-homes with access from James Road (re-submission of H02-0868-17) - Approved 3 April 2020. This was subject to a S106 agreement to provide the 6 dwellings as 'Eco Dwellings', meaning an environmentally low-impact home designed and built using materials and technology that reduces the carbon footprint and lowers its energy needs in accordance with the Government's Standard Assessment Procedure (SAP).

5.2 H02-0868-17 - Outline application for the erection of up to 6 dwellings with access from James Road. Refused by the Planning Committee on 7 September 2018 for the following reasons:

1. The site, by virtue of its location, is poorly related to the existing built-up residential area of Crowland. The site is physically and functionally detached from Crowland, its existing and proposed settlement boundary and is located in the open countryside. The result is a development that is considered would be poorly integrated with its surroundings, in particular, with the wider residential areas of Crowland and services and facilities within the town. This is exacerbated by the contrived proposed pedestrian link. As such, the application is contrary to Policies SG14 and SG15 of the South Holland Local Plan, 2006. These policies seek to promote good design and convenient access. Proposals which fail to take account of the character and context of the surrounding area could undermine the quality of the built environment and will not be permitted. These policies are in general conformity with national guidance, contained in the National Planning Policy Framework, 2018. Therefore, the limited social and economic benefits of delivering a small number of homes in this location is outweighed by the above identified social and environmental harm. Consequently, the presumption in favour of sustainable development is not considered to apply in this instance.

2 This proposal is refused on the basis that there are sequentially preferable sites in flood risk terms available around the town of Crowland, as identified in the emerging South East Lincolnshire Local Plan (Publication Version, March 2017). Notwithstanding that the emerging Local Plan is yet to be adopted and that the Council cannot demonstrate a 5-year supply of deliverable housing sites, the presumption in favour of sustainable development is not considered to apply in this instance because there are sequentially preferable sites from a flood risk point of view available in the vicinity of Crowland. As such, the application is considered to be contrary to national guidance on flood risk, as contained in the National Planning Policy Framework, 2018, which sets out that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

6.0 REPRESENTATIONS

6.1 Local Highway Authority

Response dated 14 April

Requested confirmation that the pedestrian route, between the proposed dwellings and the end of the existing Crowland footway network in Postland Road, which routes through the former Wyevale Garden Centre site, will still be available. This was an essential provision for making the H02-0669-19 Outline Application acceptable in highway terms, but it appears to not form part of this current Application. If this pedestrian route should no longer be available, then an alternative means of pedestrian access between the dwellings and the existing footway network will need to be provided.

Response dated 10 July

The principle of residential development on this land has been established by the grant of outline consent under reference H02-0669-19. The vehicle access arrangement shown on the reserved matters application is the same as that shown on the outline application.

As submitted, the pedestrian access details did not show the remote footway running through the adjacent land that was shown on the approved outline application. The Local Highway Authority sought clarification on this point. Amended plans showed the same footpath, going through the adjacent garden centre as on the outline scheme. The Local Highway Authority requested that the footpath be provided prior to occupation by condition to connect the

development to the existing footway network. The Local Highway Authority also suggested standard informatives. It should be noted that the Local Highway Authority do not object to the proposal on highway safety grounds.

6.2 SHDC Environmental Protection

No comments.

6.3 North Level IDB

No objection, but a formal application for consent will be required under Byelaw no. 3 which states that no person without the previous consent of the Board may increase the flow or volume of water in any watercourse within the District.

A development levy is payable for dealing with any increase in run-off from the site.

6.4 LCC Historic Environment Officer

This office has no further comments to make at this time. The archaeological monitoring and recording of groundworks previously recommended should still be required, and written scheme of archaeological investigation (WSI) should be submitted for the approval of the local planning authority prior to construction, as required by condition 11 of permission H02-0669-19.

6.5 Anglian Water

There is no connection to the Anglian Water sewers, therefore they have no comments.

6.6 Environment Agency

No comments on amendments but Condition 14 of outline permission H02-0669-19 is required to reduce the risk of flooding.

Police

31 March 2023 response

Concerns regarding the connecting footpath indicated on the plans. The inclusion of the long footpath undermines what would otherwise have been a well designed cul-de-sac layout that has proven to help reduce crime and enhance social cohesion. Requests that reference to the following guidelines are considered:

'The footpaths should be at least 3m wide, straight with no hidden recesses, well lit and benefit from good natural surveillance, additional they should be well maintained and kept free of excessive bushes and shrubbery.'

19 July 2023 response

No objection on amendments.

6.7 Crowland Parish Council

Welcomes this high quality development, but notes the ambiguity regarding pedestrian access and collection arrangements for dry waste.

6.8 Public

Three separate letters of objection from the same respondent have been received. The issues raised are summarised below:

Raises serious safety concerns. The roadway is still proposed to be used by pedestrians for entrance and exit to the site. There is no pedestrian footpath. Photos included of site/roadway.

No objection in principle to the homes; however, we have serious concerns about the proposal to take the pedestrian access through the commercial site, which has extant planning permission granted under ref. H02-0741-22 for a mixed-use car sales (use class sui generis)

and vehicle repairs and MOT service (use class B2). There is a purported right of way for the benefit of the landowners; this may or may not provide unrestricted legal rights for occupants of the homes / their guests to cross the site by foot. However, notwithstanding the legal position, we have serious concerns from a pedestrian safety perspective which would result from an increase in the number of pedestrians crossing an operational industrial site with no footpath/pedestrian route and only a 330 metre long single carriageway as means of entrance/exit where there would be frequent HGV, vehicle and forklift / machinery movements. We would therefore request that this be reviewed carefully with the Highways authority and that the application be refused unless any alternative means of achieving pedestrian access can be demonstrated.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 The application relates to detailed matters following outline approval. The matters to consider in this case are:

- Estate layout, design, external appearance and materials
- siting and design of vehicular access/highway safety and pedestrian access
- means of foul and surface water drainage
- details of landscaping and tree planting
- existing and proposed site and floor levels of the building and hard surfaced areas

7.3 Principle

7.4 The principle of development has been established by the approval of the Outline reference H02-0669-19. This means that 6 dwellings can be erected in this location. This application is subject to a number of conditions which will also need to be discharged.

7.5 Estate layout, siting, design, external appearance, materials

7.6 Policy 2 of the SELLP states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to, amongst other things, size, scale, layout, density, impact on amenity, character and appearance of the area and the relationship and impact on existing development and neighbouring land uses, the quality of design, access and vehicle generation level and visual intrusion.

7.7 *Estate layout, siting and design*

The reserved matters shows an estate layout with 6 dwellings sited opposite each other in two rows of 3, with generous gardens arranged with a road access on the north eastern side and a footpath connection, along an existing right of way, on the south eastern side. This footpath connection is shown to continue through the adjoining south which has a redundant garden centre and connects to Postland Road. This connection was visible at the outline stage.

7.8 The general arrangement of the 6 dwellings is as shown at the outline stage. The designs are of modern appearance, with prominent gables with non-living accommodation on the ground floors and living accommodation in the first and second floors, with bedrooms at both first floor level and in the roofs. An industrial unit is adjacent to the site but is unaffected in terms of the size of scale of the dwellings. The designs of the dwellings differ slightly from each other but are considered complementary with each other.

7.9 *External appearance and materials*

Plot 1 has four bedrooms and is situated on a landscaped bund, and comprises of standing seam Zinc, with vertical non-weathered timber cladding and black brickwork. It incorporates an integral garage, garden store, boot room and unspecified room at ground floor level. Living rooms are elevated to first floor level with a master bedroom and 2nd bedroom on the same level as the kitchen, lounge, snug and day room. Two further bedrooms are located on the third floor, together with a study and a bathroom.

- 7.10 Plot 2 is a five bedroom dwelling and is also arranged over 3 floors with a garden store and double garage at ground floor, 3 bedrooms, a study, living, kitchen and dining area at first floor. On the second floor there are two further bedrooms, one with an en-suite, and a bathroom. The design of this dwelling is one of charred timber, with grey render, grey windows and doors, and non weathered timber garage doors.
- 7.11 Plot 3 is a five bed property arranged in a similar vertical arrangement as the first two plots, with bedrooms 4 and 5 on the 2nd floor, and living accommodation and three bedrooms on the first floor. The materials of this property are corrugated steel, grey windows/doors, vertical non-weathered timber cladding and case concrete.
- 7.12 Plot 4 has materials of standing seam Zinc, black windows/doors, vertical non weathered timber cladding, black brickwork below the damp proof course, and render. This property is a 5 bed property with two bedrooms at second floor, living, dining, kitchen and three bedrooms at first floor level, and a double garage and garden store at ground floor.
- 7.13 Plot 5 is a five bedroom dwelling, arranged vertical as per plots 3 and 4. The materials for this dwelling are in zinc shingles, grey windows and doors, grey brickwork and a slate roof.
- 7.14 Plot 6 also incorporates a landscaped bank. This is a four bedroom property with three bedrooms at second floor with three en-suites. At first floor level there is a lounge, dining room, kitchen diner, study, sitting area and master bedroom with en-suite. The ground floor includes a swimming pool, recreation room, double garage, store, changing area and hall. The materials of this property consist of corrugated steel, grey windows and doors and cast concrete.
- 7.15 All of the properties incorporate modern designs, with individualistic materials, with a conventional estate layout. The siting, external appearance, materials, layout and design are considered acceptable. Whilst the properties are large in scale, with accommodation over 3 floors, due to the lack of residential properties nearby, the scale and size are considered acceptable given the location. The reserved matters do not conflict with Policy 2 of the SELLP.
- 7.16 Siting and Design of Vehicular Access/Highway Safety and Pedestrian Access
- 7.17 The site would be accessed via a private drive (approximately 280 metres in length) to the eastern side directly onto James Road. The access would be a 3.7 metre wide single carriageway private drive with widened passing sections every 50 metres.
- 7.18 As per the outline approval, the application seeks to include a pedestrian footpath to the south-west of the site linking to an existing right of way providing pedestrian access from the site to the public footpath on Postland Road. The footpath, as outlined, is approximately 145 metres in length. The right of way is a further 310 metres.
- 7.19 At outline stage the Local Highway Authority stated that they did not wish to restrict the grant of permission, subject to conditions regarding the formation of a new/amended vehicular access and the private road which will not be adopted as a Highway maintainable at the public expense. The outline showed a right of way and pedestrian access to Postland Road. This was a key aspect as to why the Local Highway Authority found the outline scheme, granted under H02-0669-19 acceptable. This was because it was considered essential in providing safe pedestrian access in highway terms. This has now been shown on the amended plans. This is a private pedestrian route, and therefore the Local Planning Authority would not specify or give any sort of approval in the acceptability or the safety of the route. If this route is subsequently not available (for example, if the adjoining land had been sold without retaining the right of way or being able to transfer it to third parties), then a safe and suitable alternative route for pedestrian access would be required. A condition is suggested to cover this aspect of the proposal.
- 7.20 One objection relates to safety concerns in relation to the the pedestrian access through the road which it shares with commercial uses, close to the vehicle repairs and MOT service centre (use class B2). They state whilst there is a purported right of way for the benefit of landowners, this may or may not provide unrestricted legal rights for the home occupants. They are concerned about pedestrian safety. Specifically, their concerns relate to a potential increase in the number of pedestrians crossing an operational industrial site road, with no

footpath/pedestrian route and only a 330 metre long single carriageway as a means of entrance/exit where there would be frequent HGV, vehicle and forklift/machinery movements.

- 7.21 Whilst the concerns are noted and taken into account, the agent has confirmed that the pedestrian arrangements remain the same as per the outline approval. Amended plans have been submitted to specifically show the right of way, through the former garden centre. The location of the dwellings remains the same, as do the pedestrian arrangements from their perspective. The Local Highway Authority asked for clarification about the access arrangements and it has been confirmed these are the same.
- 7.22 The objector's points are duly noted in addition, and it is a fact that the pedestrian arrangements would be shared by a nearby industrial use. However, given that the principle of the location of the dwellings was established at outline, it is not considered that refusal on the grounds of insufficient pedestrian facilities could be substantiated at the reserved matters stage. In addition, the Local Highway Authority do not object to the proposal and have not objected on highway safety grounds. It is therefore not considered that a refusal on unsafe pedestrian facilities would be reasonable. A condition requiring the pedestrian route shown on the plans (or an alternative if it transpires that this cannot be provided) is suggested to ensure that pedestrian facilities as shown on the outline are implemented. As a result it is not considered that the proposal conflicts with Policy 36 of the SELLP.
- 7.23 Means of Foul and Surface Water Draining/Flooding Considerations
- 7.24 Policy 4 of the SELLP relates to the approach to flood risk and details how development proposals will be determined, including sequential testing and other relevant considerations. In general flood risk terms, the principle of the development was established at outline and Condition 14 of the outline specifies that the proposal needs to comply with the approved Flood Risk Assessment. This included the following measures:
- Finished floor levels of the proposed development will be set no lower than 2.6mAOD, 1.2m above existing ground levels.
 - Flood resistance and resilient measures will be incorporated into the development.
 - A flood warning and evacuation plan will be prepared.
 - The dwellings will be two storeys.
 - Demountable defences will be installed to 600mm above finished ground floor level.
- 7.25 The arrangement of the 6 dwellings are organised over 3 floors, with living accommodation concentrated on the first and second floors. The finished floor levels of the dwellings are up to 4.28mAOD. This is beneficial in flood risk terms, and whilst this makes the dwellings higher, there are no nearby residential properties that would be adversely affected in amenity terms.
- 7.26 *Surface Water*
The proposals incorporate a Drainage Strategy Design which includes a Surface Water Drainage Run, rain water harvesting, permeable gravel drives and paving and SuDs drainage dykes. These details are considered satisfactory and are beneficial in flooding terms. The IDB raises no objection to the reserved matters but notes that a formal application will be required under their regulation Byelaw 3, which is undertaken separately. The Lead Local Flood Authority raises no objection to the proposals. These details are considered satisfactory.
- 7.27 *Foul Water*
Foul Water is to be dealt with via Foul Water Treatment Plants for each property and therefore there is no connection to Anglian Water sewers. The latter do not object as a result. These details are considered satisfactory.
- 7.28 The Environment Agency raises no objections to the reserved matters in relation to foul or surface water but stresses that Condition 14 of H02-0669-19 is required to reduce the risk of flooding. This condition ensures that the development should be carried out in line with the Flood Risk Assessment which contained measures associated with finished floor levels, flood resistance/resilient measures, flood warning/evacuation plans, that the dwellings are two storeys and demountable defences are installed. The latter is not considered necessary given the design incorporates first floor living accommodation with finished floor levels up to 4.28m. The submitted reserved matters do not contravene this condition and this therefore complies with the Environment Agency comments. The Lead Local Flood Authority raised no objections

to the reserved matters in relation to flooding. The reserved matters for foul and surface water, and issues associated with flooding do not conflict with Policy 4 of the SELLP.

7.29 Landscaping and Tree Planting

7.30 Section 15 of the National Planning Policy Framework (NPPF) seeks to protect sites of biodiversity value, minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. Policy 28 of the SELLP seeks wildlife-friendly greenspace and Policy 3 seeks to create distinctive places by providing new landscaping to enhance biodiversity.

7.31 The reserved matters include landscaping for each plot which introduces trees which are not present on the existing site which is mainly grass, apart from the northern boundary which has high boundary trees to a height of approximately 3 metres, which is being retained. Each plot has a number of trees being proposed to introduce landscaping on the site. Hedges are proposed along the boundary of plots 6, 3 and 1. The SuDs features on each plot are to be planted with marginal planting to increase biodiversity. These details are considered satisfactory.

7.32 Given that permission was established in principle at outline, the proposal does not adversely affect landscape character to any significant degree, particularly as the general layout is similar to its outline form. In addition, Condition 10 of the approved outline scheme requires further details of biodiversity measures to be implemented, which would further enhance biodiversity. The proposal therefore does not conflict with Policies 3 or 28 of the SELLP. The landscaping reserved matters are considered satisfactory.

7.33 Existing and proposed site and floor levels of the building and hard surfaced areas

7.34 Policy 2 of the SELLP seeks to ensure that the size and scale of proposals are appropriate, whilst Policy 3 requires all development to create distinctive places, with inclusive design and layout, be sensitive to the landscape character, and take into account residential amenity.

7.35 Part of the reserved matters relates to the need to consider existing and proposed site and floor levels. Spot heights on the submitted plans show existing levels are generally between 1.37-1.62 AOD. The finished floor levels of the dwellings are proposed as follows:

Plot 1: 3.98m
Plot 2: 4.02m
Plot 3: 4.13m
Plot 4: 4.25m
Plot 5: 4.08m
Plot 6: 4.28m

7.36 In terms of impacts on amenity, there are no nearby residential dwellings that are affected by the proposals. There is a caravan site to the south but the existence of residential properties will have no significant impact on this site. The proposed heights of the finished floor levels are not considered to adversely affect amenity, the street scene or surrounding properties. The proposed levels and finished floor levels are considered to comply with Policies 2 and 3 of the SELLP.

7.37 Other Matters

7.38 The comments in relation to the police are noted. They prefer a cul-de-sac arrangement from a designing out crime perspective. However, this conflicts with the need to provide adequate pedestrian facilities in line with the Local Highway Authority. It is not considered appropriate to approve the reserved matters without a pedestrian link. As the Local Highway Authority require further details in relation to the footpath link, it is suggested that the comments in relation to designing out crime are added as an informative to influence the detailed design of the footpath link in line with police comments.

7.39 The comments of the Parish Council in relation to dry waste collection are noted. However, this

is as a result of the location of the site approved at outline and it would not be reasonable to refuse the reserved matters due to waste collection matters being remote. In addition, Condition 7 of the outline proposal requires details of the storage and disposal of refuse and recycling to be discharged. This matter would be resolved via those details.

7.40 Planning Balance

7.41 The principle of development has been established by means of the outline proposal and details associated with the S106 agreement. The reserved matters satisfactorily deal with estate layout, design, external appearance and materials. The means of foul and surface water drainage are considered acceptable and do not contribute to flooding. The details associated with landscaping and tree planting are considered acceptable and increase biodiversity. The existing and proposed site and floor levels do not adversely affect amenity.

7.42 Whilst the proposed footway is shared along part of its route with the adjacent business, this is the same information as provided on the outline and subject to its provision, via a condition, the Local Highway Authority raises no objection to the scheme. The planning balance is considered to be in favour of the proposal.

7.43 Conclusion

7.44 In light of the above, the proposal is considered to satisfactorily accord with Policies 2, 3, 4, 28, and 36 of the SELLP, 2019, and the NPPF, 2021, and as a result, the application is recommended for approval.

7.45 Public Sector Equality Duty

7.46 In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

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

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

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

7.47 Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general

public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

8.0 RECOMMENDATIONS

- 8.1 Approve the reserved matters subject to conditions listed at Section 9.0 of this report.

9.0 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Application Form
589.DSD.01
589.SL.02
589.VD.01
589.PD.P1.01
589.PD.P2.01
589.PD.P3.01
589.PD.P4.01
589.PD.P5.01
589.PD.P6.01
589.LP.01
589.LP.02
589.SL.01 rev A

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

2. No dwelling hereby permitted shall be occupied unless and until the footway link to connect the development to the existing footway network, as shown on drawing 589.SL.01 - Proposed Site Layout, has been implemented in accordance with details that shall first have been approved in writing by the Local Planning Authority. If the pedestrian route should no longer be available, then an alternative means of pedestrian access between the dwellings and the existing footway network shall be submitted to and approved in writing prior to occupation of any dwelling. The approved footpath link shall be retained in perpetuity in accordance with the details so approved

Reason: To ensure the provision of safe and adequate means of pedestrian access to the permitted development. This condition is imposed in accordance with Policies 2, and 3 of the South East Lincolnshire Local Plan, 2019 and the provisions of the National Planning Policy Framework 2021.

3. 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>

4. NOTES

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on the highway authority website, accessible via the following link:
<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>.

5. The road serving the permitted development is approved as a private road which will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980). As such, the liability for the future maintenance of the road will rest with those who gain access to their property from it.
6. Highway Informative 05 All roads within the development hereby permitted must be constructed to an acceptable engineering standard. 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. For guidance, please refer to <https://www.lincolnshire.gov.uk>.
7. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the highway authority website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>
8. In relation to the detailed design of the footpath linking to the footpath network. From a designing out crime perspective, the footpath should be at least 3m wide, straight with no hidden recesses, well lit and should benefit from good natural surveillance, additionally it should be well maintained and kept free of excessive bushes and shrubbery.
9. The applicant is reminded of the need to discharge relevant conditions tied to the accompanying outline consent re: H02-0669-19 and the existence of the accompanying s106 legal agreement.

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post:	Mark Simmonds; Development Manager (Interim)
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Appendices attached to this report:

Appendix A Plan A

