

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H03-0598-24	Applicant:	Emerald Homes Lincolnshire Limited
Proposal:	Erection of 119 dwellings and a village hall along with ancillary development including the construction of an attenuation pond - Outline approval H03-0161-17		
Location:	Home Farm Littleworth Drove Deeping St Nicholas		
Terminal Date:	13th January 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
06	Developer Contributions
10	Meeting Assessed Housing Requirements
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

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 and Beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	7
RESIDENTS	2	0	0	3

CASE OFFICER ASSESSMENT**Proposal**

This is a reserved matters application for the erection of 119 dwellings and the erection of a village hall, along with ancillary development including the construction of an attenuation pond.

The outline approval was approved under reference H03-0161-17. This application represents the reserved matters application as part of condition 3 of that approval for the following:

- i) the layout, scale and external appearance of the building(s) (including a schedule of external materials to be used);
- ii) the means of access to the site; and
- iii) the landscaping of the site (including boundary treatment).

6 (b) of Part 3 of Town and Country Planning (Development Management Procedure) (England) Order 2015 states that applications "must include such particulars, and be accompanied by such plans and drawings, as are necessary to deal with the matters reserved in the outline permission".

The village hall is set back from the road and sat centrally within the layout. The gross internal area is 302 square metres.

Site Description

The frontage of the site is located within the settlement limits of Deeping St Nicholas as outlined in the adopted South East Lincolnshire Local Plan (SELLP) March 2019, with the remaining area outside.

Home Farm is located and can be accessed off Littleworth Drove and comprises of large agricultural buildings, ancillary buildings, concrete hardstanding and agricultural land to the south east.

The site is 4.3 hectares in area and comprises agricultural land with large storage and ancillary agricultural buildings and concrete hardstanding, on the south east side of Littleworth Drove, Deeping St. Nicholas. Residential dwellings exist opposite and adjacent with an open ditch on the north eastern boundary, and agricultural fields behind. Overall the topography of the site is largely flat.

History

H03-0161-17 - Outline planning application with all matters reserved - Erection of up to 120 dwellings and a village hall and ancillary development. Approved 22.12.2021.

Consultation Responses

LCC Education

Education contributions not required as this is a reserved matters applications. Section 106 matters are dealt with at Outline stage.

Response dated 31 October
No objections.

Lead Local Highway and Flood Authority

Response dated 2 September 2024

Requested further information about visibility, stopping up of existing access, parking information, carriageway and footway information with service margin a minimum width of 2m. Central private drive should be an Edge Lane, not a private drive to provide connectivity through the site and not prevent access. Tactile crossing points required at all junctions/desire line crossing points. Parking should be broken up, tandem parking should be reduced. More emphasis on street trees. Secure cycle parking required. Swept path drawing requested. Drainage drawing required.

Response dated 14 October 2024

Further details required including:
-stopping up will need a condition
-more trees on highway required
-parking should be broken up with landscaping
-streetlight needs detailing at the access
-tactile paving details need amending
-drainage information needed.

Response dated 29 October 2024

Raises no objection subject to conditions.

Highway safety: visibility has been demonstrated in accordance with Manual for Streets. There is one recorded personal injury accident that occurred further south from the site back in 2022. Littleworth Drove does not have a highway safety issue.

Highway capacity: This is a reserved matters application the capacity was assessed along with the

Transport Assessment at outline stage.

Travel Plan: A Travel Plan was submitted at outline stage in 2017 - an updated travel Plan should be submitted and will be conditioned. A Section 106 Agreement is requested for £5000, to co-ordinate and complete the monitoring process for the lifetime of the Travel Plan.

Site Layout: The entrance road will consist of a tree lined street along the left-hand side with the new Village Hall on the right creating an Avenue type feel. The Village Hall is landscaped with low level planting and trees. Tree planting has been emphasised throughout the development and the Local Planning Authority should include a condition to ensure that the correct species are planted at the correct locations. Continuous links are provided throughout the site to provide connectivity. Bin collection points have been included where there are private drives. The shared spaces will promote a sense of place and amenity. Linear parking is broken up with low level planting. Secure cycle storage will be provided for every dwelling that does not have a garage. The attenuation pond is in the public open space at the most southern part of the development again this is tree lined promoting sustainability. There are some tandem parking spaces, but this has been reduced to the original design. The Village Hall shows 34 parking spaces and 8 cycle spaces which has been suitably justified. Tactile crossing points are detailed where pedestrians are expected to cross.

Flood Risk and Drainage: The majority of the site is in Flood Zone 2 with an area towards the southeastern boundary being in Flood Zone 3. The Flood Risk Assessment was submitted and assessed at outline stage and detailed mitigation of lifting floor levels 300mm above existing ground level. The site is predominantly level and is bound by a group of existing dwelling to the northwest and beyond the western boundary. The Southwestern boundary is open to the agricultural fields beyond. The northeastern boundary comprises of an open boundary defined by an open ditch. A drainage condition was applied at outline whilst a drainage drawing has been submitted this does not contain sufficient information therefore the outline condition will remain active. Detail shows that surface water will be discharged to the existing Welland and Deeping IDB watercourse on the southern boundary at a restricted rate of 7.0l/s controlled by a Vortex Control Chambre. Attenuation will be provided in the form of oversized pipes in the adoptable highway and a detention basin to accommodate the 1 in 100yr storm event with +40% for climate change. There will be further geocellular crates in the private parking areas. Filter drains will be provided to collect highway water which will be connected to the adoptable sewers (Section 104).

Off-Site Improvements: Two number tactile crossing points are required along Littleworth Drove. The development will increase pedestrian footfall to and from the development site - installing the tactile crossing points at Herdsman Close and Woodbank junctions with the A1175 will improve pedestrian safety along the desire lines to the development and into the Village.

Standard highway conditions are suggested.

Ecologist

Requested information on ecological assessment on original outline. Details of bird and bat boxes required.

Universal nest bricks should be incorporated into each building.

LCC Historic Environment

Having reviewed the application documents, the updated available Historic Environment information for this application and the results of the Outline Application H03-0161-17 Archaeological Evaluation Report, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

Response dated 5 November 2024

No objection to amendment 2 or 3.

Environment Agency

No objection.

Natural England

No comments.

Response dated 5 November 2024

No comments.

Anglian Water

Assets affected - informatives suggested.

The impacts on the public foul sewerage network are acceptable to Anglian Water at this stage.

Response dated 4 November 2024

Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary. Requests consultation on condition 16.

Lincolnshire Police

No objections.

Response dated 31 October

No objections.

Active Travel England

Standing advice offered.

Building Control

Queried extent of private and unadopted road.

Lincolnshire Fire and Rescue

Access to buildings for fire appliances and fire fighters must meet with the requirements specified in Building Regulations 2010 Part B5. These requirements may be satisfied with other equivalent standards relating to access for fire-fighting, in which case those standards should be quoted in correspondence.

Lincolnshire Fire and Rescue also requires a minimum carrying capacity for hard standing for pumping appliances of 18 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2010 part B5. This weight limit would also apply to any private/shared access roads in order to achieve the above item.

Lincolnshire Fire and Rescue recommends that fire hydrants be installed within this development at the developer's expense. However, it is not possible, at this time, to determine the number of fire hydrants required for fire-fighting purposes. The requirement will be determined at the water planning stage when site plans have been submitted by the water companies.

Response dated 4 November 2024

No further comments.

Particular attention should be given to providing access for firefighters and fire appliances in accordance with Approved Document B Part B5.

Welland and Deepings Internal Drainage Board

Picks Home Farm Dyke enters and runs within the southern corner of the site for approximately 70 metres and is afforded the protection of the nine metre byelaw distance. Consent of the Board will be required. Drainage strategy should be submitted detailing the form and route the SUDs strategy will take. It will demonstrate to the board what the proposed total flow will be. Evidence of existing surface water will be required. If discharge is proposed to a watercourse an application for consent to discharge surface water will need to be submitted to the Board in advance of connection. Submission of technical details and payment of the appropriate fee will be required.

SHDC Environmental Protection

Requests standard land contamination conditions.

Response dated 5 November 2024

No objection to amendment 3.

Deeping St. Nicholas Parish Council

Initial response

The Parish Council would like to see a play area included in the plans.

Response dated 31 October 2024

Number of car parking spaces reduced to keep mature trees at the front.
Would like to see more parking for the hall at the rear and side, even if it means using the private drive to the rear of the hall. Parking may occur on the access road and footways or in front of resident's homes.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, four letters of representation have been received, during the initial consultation.

These four responses raise some or all of the following points:

- Traffic already horrendous, speeding occurs, pollution
- Local school will not be able to cope, GPs surgery won't cope
- Only small shop
- A community centre will add noise and disturbance
- No more dwellings needed
- Village is fragmented with pockets of housing along busy A1175. Footpath requested from Wheatsheaf Court to the proposed development. Using the A1175 for pedestrians and cyclists is unpleasant. A footpath would encourage people to walk not drive.
- Impact on residents. Construction disruption concerns. Request working hours limited to 8am to 6pm during the week, no working at evenings or weekends.
- Request noise dampening measures to reduce noise pollution - particularly for heavy machinery and other loud activities.
- Debris and Dust management to control dust requested, using proper dust suppression.
- Request communication with residents - keep them informed.
- We have already exceeded S E Lincolnshire's plan for new housing in the area. I believe this latest plan is only going ahead because they are offering a new village hall, which may or may not be built depending on profits. With the total housing in the area we should be looking at better infrastructure as in a new high school, doctors, dentist and shops. The traffic through DSN has increased causing problems for drivers pulling out onto the main road, I don't think we need at least another 120 to add to the chaos. DSN is a lovely place to live at the moment and doesn't need spoiling, after all when

does a village become a town.

Following amended plans

Following the submission of amended plans, six responses were received which raised some or all of the following points;

- Increase in traffic volume
- Existing speeding and dangerous road
- Wildlife affected
- Lack of GPs, dentists and school places affected, only one infant school.
- Only one shop
- Allotments do not exist in Deeping St. Nicholas, area is fenced and public do not have access to it.
- Request traffic calming measures
- All of the trees should be kept for the wildlife.
- Too many cars are already on littleworth drove.
- Why can't the exit / entrance be at the back. There is a perfectly quiet road at the back which will be safer.
- Village has had a number of new builds recently, new village hall been dangled as a carrot.
- Why no new GP surgery or Secondary school being built?
- Village requires total upgrade to services and infrastructure before more houses are built. How long before it turns into a town with no facilities?

Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years, being 6.4 years as at 31 March 2024.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy)

expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Minor Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within Minor Service Centres will normally be limited to Allocated and Committed sites and infill.

The National Planning Policy Framework, (NPPF) (December 2023) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay and that land with permission is developed without unnecessary delay".

Para 70 of the NPPF (December 2023) also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The application site in this instance is within Deeping St. Nicholas, a Minor Service Centre. The frontage of the site lies within the defined settlement boundaries as detailed by Policy 1, but the southern most fields lie outside the settlement boundary. Whilst this means that part of the site is within the countryside, the granting of the Outline permission under reference H03-0161-17, approved on 22 December 2021, establishes the principle of the fact that part of the the curtilage is outside of the settlement boundary. This is a material consideration.

The Outline permission, in which is reserved matters proposal is pursuant, establishes that the principle of development is accepted.

In context of this, the principle of residential development within this location is considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle, having regard to the outline approval. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

Layout, Design and Consideration of the Character and Appearance of the Area

The layout, scale and external appearance of the building(s) (including a schedule of external materials to be used)

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that the "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process

should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings. These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The site is part of the district's 5 year housing land supply, as a result of an extant approval at outline stage, for up to 120 dwellings under reference H03-0161-17. This scheme proposes 119 dwellings, comprising one less dwelling than the maximum quantum approved. The site is not within a conservation area or near designated or undesignated heritage assets.

The development is served by a new access from Littleworth Drove, with the existing access to be stopped up. The layout shows a new village hall, set back from the front with car parking in front of it. The 119 dwellings are behind the village hall, arranged around an internal estate road. The site has been arranged with terraced properties towards the north of the site, with a mix of terraced and semi detached properties, together with detached housing interspersed throughout. The storey heights will be a mixture of one and two storey. The density of the dwellings would be 27 dph. All dwellings have gardens, which would be a minimum of 8 metres. Banks of car parking have been broken up by landscaping and small trees. Trees are spread within gardens and along the streets.

An attenuation pond and pumping station, incorporating public open space, is located towards the southern extent at the lowest point with trees and landscaping around the perimeter. The pond will be surrounded by amenity space, overlooked by nearby dwellings. It is noted that the Parish Council requested a play area, which could be accommodated in this area. The latter aspect is controlled via a condition. The amenity space also incorporates two large trees as a compensation for the loss of two mature trees at the front of the site.

There are a variety of house types which have been designed to ensure there are no blank walls on prominent corners, and that flank walls have some form of animation to be acceptable in design terms. Examples of house types include:

House Type K1 - single storey one bed semi detached bungalow
House Type K2 - single storey one bedroom semi detached bungalow
House Type A1 - two storey two bed terraced with hanging porch, banded lintels continued at first floor.
House Type B2 - two storey two bedroom first floor single window, flank banding and first floor flank window, joined hanging porch.
House Type C2 - two storey three bedroom, hanging porch, flank first floor window.
House Type D1 - two storey three bedroom, flank banding, first and ground floor window.
House Type E1 - two storey two storey three bedroom detached with ground and first floor flank windows.
House Type H1 - two storey four bedroom detached with front and flank banding with first and ground floor windows on right hand flank.
House Type J1 - two storey terraced group with prominent end unit with one four bed with two beds adjoining, ground and first floor windows on flanks.
House Type H3 - two storey four bed with front and flank banding, ground and first floor windows.

The house types are modern conventional housing and the designs are considered acceptable. There are three material palette types for the external appearance of the dwellings. These are separated into:

Palette 1: Multi-red brick for walls, pantile roof and white UPVC windows
Palette 2: Multi-red brick for walls, slate roof, and white UPVC windows
Palette 3: Buff brick for walls, slate roof, UPVC windows

These details are considered satisfactory for the purpose of this reserved matters application, however, the exact brand of materials have not been included. As a result a condition is suggested to control the materials in greater detail to be considered via a condition compliance application. In addition, there is no information on the materials for the village hall. These details should also be required via the same materials condition.

Policy 32 of the SELLP relates to community, health sport and well being, and supports development that creates socially cohesive and inclusive communities. It also incorporates open space standards. The policy supports environments which encourage community use and incorporates amenity space, including play space.

The section 106 agreement to the outline under reference H03-0161017 dated 20 December 2021 contains a clause that requires a village hall building to be constructed on the land to be transferred to the Parish Council, submitted with the Reserved Matters Approval. The village hall is to be handed to the Parish Council after 50% of the dwellings are occupied.

The current proposals therefore include a village hall to adhere to the outline and the S106 agreement. The proposed village hall is 5.89m high, 21m long and 15.77m wide with a front projecting porch which is 3.89m wide and 2.8m deep. The main design feature is a slanted roof over the majority of the floor space, with an angled tiled roof meeting the main wall at a lower level. The design incorporates solar panels. The entrance includes a front projecting canopy/porch. The village hall will be set back from the road. The layout of the includes a central activity space, meeting room, a stage with store rooms, a lounge, kitchen, toilets and plant room. The design is considered to be appropriate for the street scene and is not out of keeping or out of character, especially as it is set back from the road, and most of the trees and the existing hedge along the front are being retained. As the village hall is centrally located it is not expected to cause loss of light, outlook or have an adverse impact on the street scene or neighbours. The proposal is a much improved impact on the street scene compared with the existing utilitarian agricultural buildings and as such the proposal is considered acceptable in design terms and does not adversely affect the character of the area.

The open space standards have typologies for open space and other facilities, but these need to be interpreted taking into account other facilities in the immediate vicinity and other community benefits the proposal incorporates. It is estimated that the development will generate a population of 274 people. On site amenity space provision, is provided as 0.5 of a hectare of open space. This is to be viewed in context open space facilities in the area as set out in the integrated planning

assessment which identifies open space facilities in relation to the application site. In the wider context there are a number of public open spaces featuring green space and public amenity space. These public parks are located along Littleworth Drove and off Haywain Drive. Development currently in construction to the northwest also provides public open space as part of the development under planning reference H03-0631-19. The applicant has agreed to a condition requiring a children's play area via a condition at the request of the Parish Council, the details of which can be secured via a condition, but can also be shown on the detailed landscaping proposals required as part of condition 11 of the outline under reference H03-0161-17. The provision of open space and play facilities also needs to be weighed alongside the outline planning permission requiring a village hall to be provided, which is listed in one of the provisions as part of policy 32, which is also offered as a community benefit at no cost as a S106 requirement. As a result of the package of measures associated with Policy 32, the proposal is considered that the proposals conform with policy 32.

The landscape plan shows a variety of boundary treatments that includes 1.2m high black metal railings to the frontages of some properties, 1.8m close boarded timber fencing in rear gardens, 1.2m close boarded timber fencing separating flank facing access points, 1.8m masonry brick walls comprising facing brickwork on prominent corners, 0.6m timber knee rail fencing around the amenity space and low level hedgerow planting. These details are considered satisfactory.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2, 3 and 32 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Each of the housing plots have private amenity space not less than 8 metres in length. As such this layout is not expected to result in adverse impacts upon nearby residential properties. A good proportion of the housing is within agricultural fields and as such there are no neighbouring properties in these locations. Sufficient separation distances are incorporated into the layout as to ensure there are no adverse impacts on neighbours.

One objector cited noise and disturbance as a result of the village hall, but the hall is set back from the road. An hours of use condition is suggested to control late night noise and disturbance of the village hall. This may need to be amended subsequently if a licence is required which is under different legislation.

Another objector cited concerns in relation to construction disruption. Condition 4 of the Outline consent reference H03-0161-17 requires the submission of a detailed scheme of construction management to minimise disturbance during the construction process, controlling noise, dust, vibration, and smoke. This will mitigate noise during construction and it is standard that working hours will be set out in that document. An informative is suggested to ensure that the details to discharge this condition includes setting out the working hours of the site.

Concerns relating to the pressure and strain of existing infrastructure (utilities, services and facilities) are noted. However, developer contributions towards infrastructure were agreed at the Outline stage via a Section 106 Agreement which included affordable housing (which was subject to viability), the NHS and Education, together with the provision of a village hall. The Section 106 runs with the land and the development hereby proposed would be required to comply with this legal agreement. The outline therefore controls the overall impacts on infrastructure for this site.

The finished floor levels of the proposed dwellings have been set to a minimum of 300mm above ground level, as per condition 15 of the outline reference H03-0161-17, based on the approved Flood Risk Assessment and Drainage Strategy Revision C (ref: 18706/FRA and DS, Rev. C) prepared by Woods Hardwick dated 2 September 2020. Condition 10 of the outline scheme reference H03-0161-17 requires the submission of Surface Water Drainage Scheme, and condition 16 required the submission of foul water disposal details. The effect of these schemes, may increase the height of the dwellings in relation to adjoining neighbouring properties and the street scene in general. although it has to be recognised the dwellings are set back from the road. It is noted that the submitted Drainage Statement/Flood Risk Assessment dated July 2024 reference 12652-WMS-ZZ-XX-T-C-39201-S8-P3 as part of this reserved matters application says that the height of the finished floor levels may need to be higher than 300mm above ground level to accommodate a revised Surface Water Scheme. To safeguard residential amenity, a condition is suggested to ensure site levels are recorded for both the existing and proposed situation, taking into account any revised finished floor levels and increased building heights, so that they can be properly assessed to ensure there is no adverse impact on amenity.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

The means of access to the site

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

In terms of highway capacity, as this is a reserved matters application, the capacity was assessed along with the Transport Assessment at outline stage and was found acceptable for 120 dwellings. This reserved matters scheme is for one less dwelling.

In terms of highway safety, visibility splays have been demonstrated in accordance with Manual for

Streets. There was one recorded personal injury accident that occurred further south in 2022 but this does not alter the overall acceptability of the scheme agreed at outline in transport terms. Generally, Littleworth Drove does not have a highway safety issue.

A Travel Plan was submitted at outline stage in 2017. The Local Highway Authority request an updated travel plan be submitted via condition together with a Section 106 agreement for £5000 to co-ordinate and complete the monitoring process for the lifetime of the Travel Plan. Paragraph 55 of the National Planning Policy Framework, December 2023, states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable though the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

The Local Highway Authority did not request for a monitoring contribution for the Travel Plan to be incorporated into the Section 106 agreement which was finalised at the outline stage. The lack of a monitoring contribution for the Travel Plan cannot reasonably requested at this time via a new Section 106 agreement, or amending the existing one because the absence of a monitoring contribution does not result in a planning impact which makes the development unacceptable; no material harm would result. Paragraph 57 of the National Planning Policy Framework, December 2023, states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Such a request for a £5000 monitoring fee to monitor the Travel Plan is not considered necessary to make the development acceptable in planning terms, it is not directly related to the development (because it is about enabling staff at the County Council to monitor the Travel Plan) and it is therefore not fairly or reasonably related in scale and kind to the development. Such a contribution would require an entirely new Section 106 agreement or Deed of Variation which is not considered reasonable in planning terms. This request should have been requested at outline, not at the reserved matters stage.

Whilst it is acknowledged that paragraph 56 of the NPPF states that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, a condition requiring an updated Travel Plan prior to occupation of 50% of the development would not be unreasonable. Such a condition is therefore suggested.

In terms of highways layout the entrance road will consist of an access along the left hand side with the new village hall on the right creating an avenue type feel. The village hall is landscaped with low level planting and trees. Continuous links are provided throughout the site to provide connectivity. The shared spaces will promote a sense of place and amenity. Linear parking is broken up low level planting.

Each dwelling will have at least 2 car parking spaces, and cycle parking per dwelling which accords with Appendix 6 of the SELLP, however cycle parking is also specifically controlled via a condition 6 imposed at the outline under reference H03-0161-17 as a pre-commencement condition. There are some tandem car parking spaces, but these have been reduced via amended plans from the original design in discussion with the Local Highway Authority. The village hall shows 26 parking spaces and 8 cycle spaces which have been suitably justified. Tactile crossing points are detailed where pedestrians are expected to cross. It is noted that the Parish Council object to the reduction in parking to enable frontage trees to be retained, and wanted more parking to be made available for the village hall. Whilst this is noted, the number of parking spaces does not drop below the Council's minimum parking standards and the Local Highway Authority does not object to the proposal. It is therefore considered that car parking as proposed is sufficient and strikes a balance with retaining frontage landscaping.

In terms of off site improvements, two tactile crossing points are required along Littleworth Drove to satisfy Local Highway Authority requirements. As the development will increase pedestrian footfall installing the tactile crossing points at Herdsman Close and Woodbank junctions with the A1175 will improve pedestrian safety along the desire lines to the development and into the village. These changes have been agreed by the developer and will be secured via a Section 278 agreement with the Local Highway Authority.

The existing access to the site will have to be formally stopped up and a condition is requested by the Local Highway Authority to ensure this takes place. An existing street light will need to be re-located as it sits within the new access location and this is also shown on the amended plans. The existing speed limit on Littleworth Drove is 40mph but a speed reduction scheme to lower the speed limit is being taken forward. This will address some of the concerns of the objectors to the application. The public highway is in good condition and there are no reported surface water flooding issues in the vicinity of the site.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Flooding Considerations

Section 14 of the National Planning policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

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.

The site lies within Flood Zones 2 and 3 of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences.

The majority of the site is in Flood Zone 2 with an area towards the southeastern boundary being in Flood Zone 3.

The principle of the development in flood risk terms was established at the Outline approval. The Flood Risk Assessment was submitted and assessed at outline stage and detailed mitigation of finished floor levels were agreed to be at 300mm above existing ground levels. A Surface Water Drainage scheme condition was applied at outline, the details of which will be discharged separately. Part of the site includes a large attenuation basin.

Surface water is detailed to be discharged to the existing Welland and Deeping IDB watercourse on the southern boundary at a restricted rate of 7.0l/s controlled by a Vortex Control Chamber. Attenuation will be provided in the form of oversized pipes in the adoptable highway and a detention basin to accommodate the 1 in 100 year storm event with +40% for climate change. There

will be further geocellular crates in the private parking areas. Filter drains will be provided to collect highway water which will be connected to the adoptable sewers.

Condition 15 of the outline reference H03-0161-17 dated 22 December 2021 related to the need to adhere to the submitted Flood Risk Assessment and Drainage Strategy Revision C (ref: 18706/FRA and DS, Rev. C) prepared by Woods Hardwick dated 2 September 2020. This set minimum floor levels to be a minimum of 300mm above the existing ground level.

The submitted Drainage Statement/Flood Risk Assessment dated July 2024 reference 12652-WMS-ZZ-XX-T-C-39201-S8-P3 states that the final surface water drainage design may require levels higher than 300mm above ground level to achieve a gravity discharge and sufficient cover to the piped systems. It is therefore suggested that a levels survey is conditioned to ensure there is no adverse impact on amenity to any nearby residential properties in case the finalised drainage strategy requires finished floor levels to be greater than 300mm above ground level, thereby raising the heights of properties.

Foul Water drainage details are also required via condition 16 of H03-0161-17 as a pre-commencement condition to the outline and as such, specific approval must be sought in respect of these details.

Overall, when considering the development and the various conditions, together with a levels condition, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning Policy Framework, December 2023 in this regard.

Impacts of Climate Change

The landscaping of the site (including boundary treatment

In respect of the climate emergency, section 14 of the National Planning Policy Framework (December 2023) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that they can help 'to reduce greenhouse gas emissions, such as through its location, orientation and design'.

Section 15 of the National Planning Policy Framework (NPPF) seeks provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures This is reflected in . Policy 28 of the SELLP which seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and assess proposals directly or indirectly affecting these assets by assessing if the benefits of the proposal would outweigh the adverse impacts on the site and wider network of natural habitats. In addition, the policy seeks to promote biodiversity net gain in proposals by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserving or enhancing habitat to adapt to climate change. This policy would apply to applications which are exempt from Biodiversity Mandatory Net Gain, as is the case for Reserved Matters applications such as this scheme. This policy is linked to Policy 31 of the SELLP which seeks to incorporate measures which promote and enhance green infrastructure and provide an overall net gain in biodiversity as required by Policy 28 to improve the resilience of ecosystems within and beyond the site in question.

The site has trees and a hedgerow that fronts Littleworth Drove, as the existing agricultural buildings are set back from the road and extend back into agricultural fields. Along the frontage of the site are several mature trees, including a Willow, an Ash and a Horse Chestnut, together with a hedge. Whilst these are not subject to Tree Preservation Orders at the present time, they have amenity

value and it is considered that as many of these trees should be retained as possible. As a result of amended plans, Three of the trees, together with the hedge, are being retained along the front of the site and incorporated into the landscaping scheme. The car parking in front of the village hall has been re-arranged to accommodate tree retention. This improves amenity at the front of the site and in the general street scene. Two large replacement trees for the frontage trees that cannot be saved at the front are being placed within the Public Open Space near the attenuation pond area as compensatory replacement trees. Conditions are suggested for ensuring the trees along the front are retained and that tree protection measures are in place during construction. It is recognised that in the Parish Council's response of 31 October, they requested that the car parking spaces should not be reduced to accommodate tree retention. They wanted more parking for the village hall to prevent parking on access roads and footways. This has been taken into account. However, the number of car parking spaces in the amended scheme accords with the Council's Car Parking standards in Appendix 6. As a result it is considered that a balance has to be struck between car parking and trees. In this instance retaining the trees along the frontage is thought to be more desirable given that the site has adequate car parking.

Elsewhere in the site, there is a further pocket of trees in the north east corner would be lost, however, the development as a whole seeks to incorporate replacement trees both on the street and in residential gardens to compensate for losses in the central area, and in the Public Open Space. All trees in the planting scheme are native species so this will benefit biodiversity. There are no trees of note in the agricultural fields so no trees will be lost in this area.

The landscaping plan shows numerous small and medium trees throughout the development situated along the streets and in back gardens, together with two large trees replacing lost ones at the front of the site as mentioned above. Small trees are also employed to help break up banks of car parking to improve the street scene in these locations. Additional planting of medium trees are proposed in the attenuation pond area. In comparison with agricultural land, overall, greater numbers of trees are proposed across the site compared with the existing situation.

It is noted that the ecologist asked for integrated universal bird/swift boxes be installed at a ratio of 1:1 per dwelling. The developer has agreed to this provision and it should be noted that condition 20 of H03-0161-17 dated 22 December 2021 requires, as a pre-commencement condition, that details of a scheme for the provision of bird and bat boxes are to be installed on all buildings to be provided prior to commencement. The information provided by the ecologist will be added as an informative for the developer to take into account when submitting details to discharge condition 20.

Taking the above into account it is considered that given the details submitted and those required by the suitably worded conditions for tree retention and protection, the proposal is acceptable in this regard. The proposal would therefore be in accordance with Policy 28 and 31 of the South East Lincolnshire Local Plan and Section 14 of the National Planning Policy Framework (December 2023).

Other Matters

During the application process, the NHS requested a health contribution. Whilst noted, the required health contribution has already been secured at the Outline stage, although the level of contribution will reduce by £660 as this scheme is for one less unit. The Section 106 agreement includes a formula for NHS contributions so these will be adjusted according to the 119 dwellings built.

The Lincolnshire Fire and Rescue comments that access to buildings for fire appliances and fire fighters must meet with the requirements specified in Building Regulations 2010 Part B5. These requirements may be satisfied with other equivalent standards relating to access for fire-fighting. They also require a minimum carrying capacity for hard standing for pumping appliances of 18 tonnes, not 12.5 tonnes as detailed in the Building Regulations 2010 part B5. This weight limit would also apply to any private/shared access roads in order to achieve the above item. They state that hydrants are installed within this development at the developer's expense. However, it is not possible, at this time, to determine the number of fire hydrants required for fire-fighting purposes.

Whilst it is noted that condition 21 of the outline reference H03-0161-17 relates to the provision of water supplies for the Fire Service, an updated condition is suggested, together with an informative to highlight that compliance is required at the water planning stage when site plans have been submitted by the water companies.

In relation to the query about private drives. South Holland has an informal private drive policy, although it needs to be made clear that this is not a formal planning policy as part of the Local Plan that underwent scrutiny as part of the Examination in Public. In planning terms it therefore does not have the same weight as a policy in the Local Plan. The Council are not under any statutory duty to collect waste from private drives. The collection point is usually at the curtilage of each residential property where it can be collected from the adopted public highway. The Council's policy is not to collect waste from private drives. It is recommended that developments should seek to minimise private drives. Where private drives are unavoidable, the council expects to see no more than 6 properties from any one private drive and a carrying distance of less than 30m, measured from the nearest point of the plot adjacent to the private drive. Joint storage areas for waste should not serve more than 6 properties. In the current application, a tracking drawing has been submitted demonstrating that the internal estate road allows for a refuse vehicle to circulate the estate and collect waste from outside of the dwellings apart from two private drives. The central Edge Lane is constructed to adoptable highway standards so would also allow a refuse vehicle to travel along it, even though it would have different materials on its surface as a design feature. The private drives that the refuse vehicle cannot access are less than the 30m carrying distance in length and as such the Local Highway Authority have accepted this layout as being appropriate. As a result, it is considered that the layout conforms with the Council's private drive policy.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development, the principle of which has been established with the approval of the original outline scheme.. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking and landscaping, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole. It also offers a significant community benefit of a village hall at no cost to the community and additional play space has been agreed to be provided in the on site amenity space.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with policies 1, 2, 3, 4, 28, 31, 32 and 36 (including Appendix 6) of the South East Lincolnshire Local Plan (SELLP) (2019), along with the identified sections contained within the National Planning Policy Framework (NPPF) (December 2023). There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

Additional Considerations

Public Sector Equality Duty

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.

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.