SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 04 October 2023**

(Author: **Maxine Simmons - Planning Officer)**

Purpose: **To consider Planning Application H14-0078-23**

Application Number:	H14-0078-23	**Date Received:**	26 January 2023
Application Type:	OUTLINE		
Description:	Erection of 13 dwellings and construction of internal roads with associated landscaping and areas of open space		
Location:	Keston Nurseries (Former) Mill Green Road Pinchbeck		
Applicant:	Keston Fields Ltd	**Agent:**	Lincs Design Consultancy
Ward:	Pinchbeck and Surfleet	**Ward Councillors:**	Cllr S A Slade Cllr J Avery Cllr E J Sneath

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H14-0078-23

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The planning policy issues arising and site history warrant Committee consideration.

2.0 PROPOSAL

2.1 This is an outline proposal for the erection of 13 dwellings and construction of internal roads. Ten of the dwellings are executive bungalows on very spacious plots. Three of the dwellings are for affordable housing arranged in a small terrace. As part of this application access and layout are to be approved. All other matters are reserved.

3.0 SITE DESCRIPTION

3.1 The site was originally greenfield in nature and was used as a horticultural nursery. To the west of the site is Mill Green Road, to the east is the railway line and properties beyond on Mayfield Close. The site is outside the settlement boundary of Spalding/Pinchbeck.

3.2 The site is relatively flat sitting at levels between 3.1 AoD and 3.5m AoD. The northern and eastern boundaries are abutted by the partly completed new residential development and the southern boundary is defined by a hedgerow providing separation from a commercial site and associated grass paddock located to the south. Residential dwellings which front onto Mill Green Road are located to the west. The site is served by an access from Mill Green Road via the neighbouring estate.

3.3 The majority of the wider site has been developed for housing, following on from an outline permission and reserved matters consent which approved 100 dwellings to the north. The site

subject of this application formed part of that wider outline permission.

3.4 The site is situated to the south of the developed site behind properties along Mill Green Road, most notably Rualen, and 1 to 12 Mill Green Road, which have gradually longer gardens as they progress southwards, with number 12 having the longest garden abutting the application site, and number 1 having the smallest neighbouring garden. Plot 110 is closest to the gardens at numbers 1 and 2 Mill Green Road. Surrounding the boundary is a thick tree/hedge which largely obscures the site from view of these gardens.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

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 6 - Developer Contributions
Policy 10 - Meeting Assessed Housing Requirements
Policy 18 - Affordable Housing
Policy 28 - The Natural Environment
Policy 29 - The Historic Environment
Policy 30 - Pollution, including noise
Policy 31 - Climate Change and Renewable and Low Carbon Energy
Policy 32 - Community, Health and Well-being
Policy 36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards
Appendix 8 - Developer Contributions for Education Facilities
Appendix 9 - Developer Contributions for Health Care Facilities

National Guidance

The National Planning Policy Framework (NPPF), 2023

Section 4 - Decision Taking
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting health and safe communities
Section 9 - Promoting sustainable transport
Section 12 - Achieving well designed places
Section 16 - Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H14-0942-16 - Keston Nurseries, Mill Green Road, Pinchbeck, Spalding, PE11 3PU - Outline - residential development - Refused 30.11.16.

5.2 H14-0355-17 - Keston Nurseries, Mill Green Road, Pinchbeck, Spalding PE11 3PU - Outline - Re-submission - Proposed residential development (re-submisison of H14-0942-16) - Approved 22.02.18.

5.3 H14-1162-18 - Keston Nurseries, Mill Green Road, Pinchbeck, Spalding, PE11 3PU. Reserved Matters - Erection of 100 dwellings and associated works - Outline - Approved 29.03.2019.

5.4 H14-0194-19 - Keston Nurseries, Mill Green Road, Pinchbeck, Spalding PE11 3PU -

Modification of S106 agreement to reduce the percentage of affordable housing from 33% to 25% - Approved 01.04.2019.

5.5 H14-0197-21 - Keston Nurseries, Mill Green Road, Pinchbeck - Details of external materials (Part Condition 4 (ii) of H14-0355-17) - Approved - 27.05.21.

5.6 H14-1028-21 - Keston Nurseries, Mill Green Road, Pinchbeck - Erection of 100 dwellings and associated works - approved under H14-1162-18 and H14-0197-21. Amendments to site levels, materials schedule & Plots 91, 99, 100, 76 & 77 now include double garages - Approved 05.10.21.

5.7 H14-1159-21 - Keston Nurseries, Mill Green Road - Modified Agreement - Discharge of 106 Agreement relating to affordable housing, education and Call Connect Bus contributions due to the financial viability of the development (planning approval H14-0355-17) - Refused 16.05.2022.

6.0 REPRESENTATIONS

6.1 Local Highway Authority

No objection subject to conditions.
The application is for Outline approval on part of the former Keston Nursery site being developed for housing. The nursery site, including the application site, has previously been granted consent so the principle of this form of development has already been established. The wider development was approved subject to Mill Green Road being widened and improved and a link footway being provided between the site entrance and the end of the village footway network. Those works have been substantially completed. The development being proposed in this application is at a lower density than the earlier parts of the development that are under construction. The dwellings are placed around a central cul-de-sac that has a footway on one side and a surface water drainage swale on the opposite side. This follows Sustainable Drainage (SuDs) best practice. The development is to have a stand alone drainage system that is separate from the system on the Keston Nurseries development that is under construction. The existing estate road, to which the proposed development joins, stops short of joining Mill Green Road at the point where the former nursery business had a site entrance. There is a temporary construction access at this point that facilitates the delivery of materials to the site without having to use the estate's main spine road. There is to be no vehicular access onto Mill Green Road at this point but its open form is likely to result in residents of the development walking over the grassed area and creating an informal pedestrian route onto Mill Green Road either for recreational walking or to visit residents of the existing dwellings on this part of Mill Green Road that are disconnected from the village. Rather than this becoming just a muddy path, it is requested that, as part of this phase, an adoptable footpath is provided.

6.2 LCC Archaeology

No archaeological input required.

6.3 LCC Education

LCC Education request a payment of £87,740 as a contribution towards education in terms of primary and secondary provision.

6.4 NHS

NHS request a payment of £8,580 towards healthcare facilities based on their usual formula (£660 per dwelling).

6.5 Lincolnshire Police

This phase of the development has made use of a cul-de-sac style layout. This has been proven to help reduce crime and anti-social behaviour and enhance community cohesion.

Offered detailed advice in relation to designing out crime was provided.

6.6 Anglian Water

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence. The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated. Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station.

6.7 The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

6.8 *Wastewater Treatment*

The foul drainage from this development is in the catchment of Spalding Water Recycling Centre that will have available capacity for these flows.

6.9 *Surface Water*

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information.
https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/
Anglian Water suggested informatives associated with the used water network.

6.10 Welland and Deepings IDB

Applicant will need to prove that the route from the proposed surface water discharge outfall point through the riparian watercourse up until its entry into the Board's system is viable and fit for purpose to accept the attenuated discharge restricted to a maximum flow of 2.5 litres per second. The receiving watercourse/pipeline will need to be cleaned out both upfront of connection and in perpetuity by the developer/their management company to reduce the potential for any issues and so that the site has a secure surface water outfall. If agreed the Board would consider accepting the surface water from the site. An application for consent to discharge the water should be made to the IDB in advance of the connection (which will need further technical details and fee payment).

6.11 Building Control

Refuse cannot be carried more than 30m. It appears this may be a private drive. The road should be able to withstand a 18T fire appliance.

6.12 SHDC Housing

The application is an outline for 13 dwellings. The amendment submitted within this application proposes 3 no: affordable houses. The applicant has engaged pro-actively with Housing and Planning and a scheme of 3 no: First Homes has been agreed to meet the affordable obligation on this site. The applicant will require to enter into a s.106 agreement with the Council to secure these units and the costs of the legal agreement will be met by the applicant. The Council has a pro-forma legal agreement in place. The units agreed will comprise 2 no: 2 bed 4 person houses and 1 no: 3 bed 5 person house. Housing welcomes these proposals and has no objection to the scheme if the legal agreement is secured accordingly.

6.13 SHDC Environmental Protection

Requests standard contaminated land conditions be applied at this location.

6.14 Parish Clerk, Pinchbeck

Pinchbeck Parish Council are supportive of this type of development, in principle, in terms of the relatively small number of larger, executive style dwellings. We are, however, mindful of the fact the applicant has chosen to develop only 10 dwellings, thereby avoiding possible developer contribution obligations under SELLP Policy 6, and that this also represents an element of scope creep from the original 100 dwellings given consent in this wider location. We would not be supportive if further applications were to materialise of 10 dwellings per block, especially given LCC Highways objected to the original planning request for 200 dwellings. We would ask the Planning Officer to consider developer contributions as part of the cumulative development of 110 dwellings, of which the 100 has already been secured by S106 agreement. We would also wish to prevent another access opening up onto Mill Green Road.

6.15 Councillor J Avery

-Originally applied for 200
-Drainage issues
-Highways say that residents of Keston Fields would not turn left, but they do
-Scope creep, over development
-Concerns about impact additional development has on immediate drainage infrastructure, road network in locality and amenity of immediate neighbours living on Mill Green Road. Original consent was for 100 properties and various consultees were comfortable with this. An additional 13 properties is a significant increase from the original planning permission, concerns that should this be granted, it could lead to further applications within the wider site. Requests it be dealt with at Planning Committee.

6.16 Public

7 letters of objection have been received which raise some or all of the following points:

-Objections to position of Plot 110, effect on privacy, backing onto property, objector's garden will not be private.
-Purchased property on basis there would only be 100 dwellings and a second original access from Mill Green Road. Have documentation from Robert Doughty that original access would be the now site entrance. When was second access approved. There is something uncomfortable having the owner acting as Landlord/Lord of the Manor especially as a Management Company at the top of your road.
-Mill Green Road not safe or equipped with level of traffic forced upon it by new housing, no pavements along Mill Green, lots of pedestrians and young children. Speed restrictions been put in place, people don't adhere to, dangerous, object on safety grounds.
-Concerns over what happens next, was told only 100. Was also told there would be two access roads for the 100 homes. Further applications will be presented until 200 homes have been built. If all serviced by one access all the traffic will have to pass by which is unacceptable.
-Concerned about one access - originally told there would be two. Do not object to dwellings just more accesses needed.
-Lack of consultation prior to application being made.
-Semi rural location, open countryside. Overdevelopment, no public open space, concern over safety of SuDs. Scale out of keeping.
-Not a rural exception site.
-Poor design.

-Traffic concerns.
-Poor quality road widening.
-Lack of public open space.
-Increased risk to farm workers.
-Concern about SuDs.
-Lack of footpaths.
-Strain on infrastructure, 23 more vehicles will use Mill Green Road.
-Impact on existing residents, and agricultural business who use the road, unless road is widened further.
-Impact on Green Belt land.
-Abundance of brownfield sites allocated for development.
-Requests refusal due to overdevelopment in the open countryside.
-Very concerned only one access way to our development when we were originally under the impression another access way (where the work force enter). All extra traffic for Keston Fields Development will be using the main road through which if passed would be 110 developments. Do not object to the dwellings just more access needed.
-Concerned about increase in size. Mill Green Road unsuitable for increased traffic volume.
-No footpath along Mill Green, vehicles turn left, congestion in village, dangerous, safety concerns, concerns re: footpath at the end of the 40mph limit.
-Volume will increase, widening of road has increased speed, accidents will happen
-site is outside of settlement boundary in a countryside location, it should be refused. It is not a rural exception site..

7.0 CONSIDERATIONS

7.1 Planning Considerations

The application relates to the erection of 13 dwellings. The matters to consider in this case are:

-The principle of development
-Design, layout and appearance
-Impact on residential amenity
-Transport and Highway Safety
-Affordable housing and developer contributions
-Flood Risk
-Foul and Surface Water
-Pollution and Noise
-Biodiversity and Landscaping

7.2 Principle

7.3 Section 38(6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

7.4 Policy 1 of the South East Lincolnshire Local Plan 2019 (SELLP) relates to the overall settlement hierarchy of the district and encourages development in more sustainable locations, with more sustainable development at the top of the settlement hierarchy and less sustainable locations at the bottom. Development is directed towards the sub-regional centres such as Spalding, being the most sustainable location in the district. Within settlement boundaries development is permitted that supports their role as Sub-Regional Centres. The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres and Settlements is designated as Countryside.

7.5 This site is outside the settlement boundary of Spalding so is within the Countryside. Countryside locations are the least sustainable locations within the settlement hierarchy. In the Countryside, development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of an area in terms of economic, community or environmental benefits.

7.6 The site was the subject of an existing outline permission granted under reference H14-0355-17 and approved on 22.02.2018. That outline permission is considered to be a material consideration in this case. Condition 1 of that permission required reserved matters to be

submitted within 3 years beginning with the date of that permission which means that all reserved matters on the site should have been submitted prior to 22.2.2021. A further condition limited the consent to 100 dwellings.

7.7 Reserved matters approval for 100 dwellings were submitted on 21.11.2018 under reference H14-1162-18. These were submitted within the timeframe of the condition. However, the site location plan excluded part of the outline approval, involving the parcel of land subject to this planning application. The area of the site location plan (H14-1162-18) was smaller compared with the site location plan of the overall outline (H14-0355-17) scheme. Reserved matters approval for 100 dwellings, for the smaller site area, was granted on 29 March 2019 subject to conditions and a Section 106 agreement. Development of this scheme was then lawfully implemented. The development of this adjoining piece of land, approved as reserved matters, is also considered to be a material consideration in this case.

7.8 Reserved matters approval was not sought on the land which is the subject of the current application site. This may be because condition 3 of the overall outline of H14-0355-17 limited the amount of dwellings on the overall site to no more than 100 dwellings. No condition associated with phasing the development was attached to the outline permission, nor was phasing applied for. Failure to comply with a condition that contains a timing constraint can be fatal and result in a permission lapsing. If a permission is not implemented by the required date then the permission (or that phase of the permission and indeed subsequent phases) lapses. In the same way that a permission cannot be implemented out of time, so equally a Reserved Matters Application cannot be submitted out of time.

7.9 It could be argued because no reserved matters application has been, or now can be, made on the current application site, that the principle of development for residential has lapsed. It is true to say that no reserved matters application can now be submitted on this parcel of land and the 100 dwelling conditioned in the outline have been approved/delivered on a smaller parcel of land. Therefore, on that basis the site is situated outside of the Local Plan settlement boundary and can be considered to be within the countryside in planning policy terms. Furthermore, the Council can currently demonstrate a 5 years supply of deliverable housing sites. On this basis it would not be wholly unreasonable for members to take the view that the principle of residential development in this location is not established/unacceptable.

7.10 However, it could equally be argued that the site in question has had the benefit of an outline permission, which has been implemented. This is considered to be material to this case. Furthermore, officers are of the view that this situation is materially different to where a full application, for example, has lapsed and there has been no implementation on site. On this basis it would not be wholly unreasonable for members to take the view that the principle of residential development in this location is established/acceptable.

7.11 Given the above considerations this a finely balanced case in terms of the principle of development. It is acknowledged that some objectors cite the location outside of the settlement boundary and that developing the site in the countryside is developing in an unsustainable location. However, this has to be balanced with the existence of an implemented outline permission granted in 2018.

7.12 A key consideration in this case, therefore, is whether or not Committee accept, in the absence of a reserved matters application being submitted on this part of the site, that the implemented outline permission establishes the principle of residential development for this part of the site. Committee will need to consider whether this is material and what weight to attribute to this. This judgement affects whether or not there is fundamental conflict with Policy 1 of the SELLP. It will be for the Planning Committee to weigh this argument in the planning balance.

7.13 Design, Layout and Appearance

7.14 Section 12 of the National Planning Policy Framework (2023) specifically relates to 'Achieving well-designed 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.

7.15 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; albeit it is noted that this application is in outline form.

7.16 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. Policy 3 of the SELLP requires all development to create distinctive places, with inclusive design and layout, be sensitive to the landscape character, and take into account residential amenity.

7.17 Layout and access are to be determined as part of this outline application, whilst scale, appearance and landscaping are not. The submitted layout shows 10 bungalows on extremely spacious plots with landscaping arranged around a 'T' shaped road with access to and from the main highway network of the wider site, together with an additional 3 terraced affordable homes at two storey. Access is via the adjoining newly-built estate. The three affordable housing dwellings, necessary to be policy compliant, are arranged opposite the attenuation pond/open space and to the south of the pumping station.

7.18 Whilst the submitted plan is labelled as indicative, it has been confirmed with the agent that this does indeed form the basis by which the layout of the development will be approved as part of this application. The agent also confirmed that the area of open space (including the attenuation pond) to the front of the site will be maintained by a management company. They also advised that the road is to be adopted. All these matters are covered by condition.

7.19 The appearance of the dwellings is a reserved matter. The existing screening is such that many of the dwellings would not be readily visible from Mill Green Road, particularly as the bungalows are single storey. Certain trees are to be removed but are not of a high visual value - a tree survey has been submitted to support the application.

7.20 Policy 32 sets out the requirements for open space as hectares per 1000 additional persons, requiring 0.75 hectares of 'Amenity Green Space' to be provided per 1,000 additional people. Given the site will provide potentially 60 additional persons this would equate to a pro rata provision of 0.04ha (or 400sqm). The area to the west of the access into the site, minus the attenuation pond (as SUDS do not count) provides approx. 1500sqm of amenity space. This exceeds the requirements of the policy.

7.21 Concerns have been expressed due to overdevelopment. Whilst it is acknowledged that this site was separated out from the main reserved matters approval (whereas the outline covered the entire site, including the site belonging to this application), the spacious nature of the plots, means that considerations of overdevelopment in design terms would have to take into account the single storey nature of the 10 bungalows (and their lower density) in relation to the overall plot size of each dwelling. The layout of the bungalows are not considered to be over-development in terms of the amount of floorspace compared with the plot size.

7.22 The 3 affordable units are no smaller than many of the dwellings on the adjoining site and therefore are not out of character either. It is not considered that the layout of the dwellings could be classified as overdevelopment as a result.

7.23 When considering the concept of overdevelopment, it has to be recognised that each case is dealt with on its own merits. Whilst some residents have expressed concerns that the maximum amount of housing on this site was for 100 dwellings (as a result of the reserved matters approval), the impact of those 100 dwellings on a smaller site was considered at that time, and it was concluded that the impact was not of a nature that would justify refusal. Adding the impacts of an approved scheme onto the impacts of a further 13 dwellings on the same overall outline area would be unlikely to sustain a refusal at appeal because the impacts of the approved scheme have already been mitigated.

7.24 To ensure the impact is adequately controlled, a condition is suggested which limits the 10

bungalows to remain as single storey only. Other conditions and the need for reserved matters can control external appearance, scale and materials. Subject to conditions it is not thought that the proposal conflicts with Policies 2 or 3 of the SELLP 2019 in design terms, or Section 12 of the National Planning Policy Framework 2023.

7.25 Impact on Residential Amenity

7.26 Paragraph 130 of the National Planning Policy Framework (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.

7.27 As well as being concerned with creating distinctive places in design terms, Policy 3 of the SELLP also seeks to take into account residential amenity.

7.28 One objector has concerns about Plot 110. The objector's garden has a depth of between 11 and 18 metres, and is set at an oblique angle (which means their garden depth varies). In turn, 110's main aspect faces approximately north-south, meaning the flank elevation faces the boundary of the objector rather than the main habitable rooms. A condition is suggested that the detailed design of Plot 110 has no flank windows along this flank elevation, and also no lighting. Since the plot is also to be single storey, it is not accepted that significant loss of privacy, light or outlook would occur, particularly if landscaping also concealed the plot from the boundary in addition to landscaping already in situ. In any event, these matters can be satisfactorily addressed via condition and at the reserved matters stage.

7.29 The single storey nature of the 10 bungalows, the size of the plots and the distances from the well screened boundaries mean that the development can be accommodated without significant loss of light or outlook from nearby residential properties - again these matters can be further controlled via conditions/reserved matters. Some objectors cite the effect on general amenity of 13 additional dwellings. Given that outline consent has been given for 100 dwellings it is not considered that an additional 13 dwellings will adversely affect neighbours in terms of general increase of comings and goings to and from the site.

7.30 The approved layout is considered to be acceptable with further details to be approved via condition and at reserved matters stage. It is not considered that the proposal conflicts with Policy 3 of the SELLP.

7.31 Transport and Highway Safety

7.32 The Local Highway Authority does not object to the proposals and notes that the principle of development has been established by the previous outline permission. Mill Green Road was widened and improved in connection with the previous approval and works have been implemented. These works would have been to mitigate the impact of the 100 unit scheme on the highway network. No highway safety concerns were severe enough to warrant refusal. A footpath link was required in which has not been undertaken as yet - but the Local Highway Authority suggest, in connection with this application, a condition to ensure this is provided as part of this scheme along with an additional condition in relation to estate roads. Subject to these conditions the highway authority raises no objection.

7.33 Traffic concerns have been raised by local residents, within the context of overdevelopment, and it was understood by some residents that only 100 dwellings would be provided on the entire site as a maximum. This may have been as a result of the previous reserved matters application which was for 100 dwellings - however, that application did not propose dwellings on the part of the site that is the subject of this application. Because the impacts of the development of the previous reserved matters application have been mitigated in highway terms, it is not considered credible that those impacts can be added to the impacts of the present scheme for a cogent argument to be justified relating to the cumulative transport impact resulting in over development, especially as the Local Highway Authority do not object.

7.34 Each case has to be dealt with on its own merits, and any refusals need to be based upon the impacts of the current application only, not in terms of adding in additional impacts which have

been previously mitigated. The key consideration then, in highway terms, is whether or not, in accordance with Paragraph 111 of the NPPF 2023, the highway impacts of the proposal are severe, because it is stated 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."

7.35 The agents have submitted a transport note that analyses how many additional trips would be generated in connection with the addition of 13 dwellings compared with the transport trips for the overall site. The Personal Injury Collision (PIC) data for the highway network local to the site for the most recently available five year period was obtained via a search of the Department of Transport's road safety data. Two collisions occurred within the study area, which included a section on Mill Green Road and includes a series of local junctions. One collision on 7 January 2021 was serious (to a cyclist) and one collision was slight (to a pedestrian). However, no collisions occurred within the vicinity of the existing site access junction on Mill Green Road and it has since been widened due to the previously approved application. One collision occurred further south on Mill Green Road, and one occurred on Fen Gate Road. Analysis of the study collisions has not revealed any identifiable existing collision issues associated with the expected movements of the proposed development. Therefore, there are no existing road safety issues pertinent to the development of the site. The report concluded that if the internal site layout is designed with due consideration to road safety, with appropriate highway design features incorporated into the detailed design, the proposal would not have an adverse road safety impact. The Local Highway Authority note that the internal road layout is a standard 5.1m width and they also suggest a condition relating to the submission of estate road layout details so these can be checked. Whilst it is acknowledged that some local residents express safety fears about the proposal, there is no evidence to suggest that the proposal would result in a severe highway safety impact.

7.36 In terms of trip generation, an analysis has been made between the consented 100 dwellings and the proposed vehicles trips associated with 13 dwellings. The vehicle trip generation projections indicate that the 13 additional dwellings would be expected to generate up to 9 additional two way vehicle movements during the respective AM (8.00-9.00) and PM (17.00-18.00) peak hours. This is not a significant number of trips that could justify a refusal of planning permission due to a severe highway impact, and would not be in line with Paragraph 111's definition of a severe highway impact upon the transport network.

7.37 The indicative plan does not set out cycle or car parking but a condition could be imposed ensuring that sufficient spaces are included in the layout to conform with Appendix 6 of the SELLP to ensure adherence to the standards. Subject to such a condition, together with the conditions suggested by the Local Highway Authority, it is not considered that there would be a severe impact upon the highway network, overdevelopment as a result of cumulative traffic impacts or an adverse effect on highway safety. The proposals therefore conform with Policy 36 of the SELLP as a result along with Section 9 of the NPPF 2023.

7.38 Affordable Housing and developer contributions

7.39 Policy 18 of the SELLP requires affordable housing at 25%. The proposal was specifically amended to incorporate appropriate affordable housing for the development as the Local Plan requires affordable housing for schemes of 10 dwellings or more.

7.40 The applicants have been liaising with SHDC Housing and a scheme for First Homes has been devised which would meet the policy requirement. The affordable element would be small terrace of dwellings of 2 x 2 bedroom houses and one 3 bedroom house. Housing welcome the inclusion of affordable housing and raise no objections to the proposals. This would be secured via a S106 agreement.

7.41 The proposals would not conflict with Policy 18 of the SELLP as a result.

7.42 The County Council, as Education Authority, have requested a financial contribution of £87,740 in relation to primary and secondary places arising as a result of the development. This would be secured via a S106 agreement.

7.43 The NHS has made a financial contribution of £660 per dwelling (£8,580 in total) in accordance

with their agreed formula due to needs arising from the development. This would be secured via a S106 agreement.

7.44 The Parish Council asks the Planning Officer to consider developer contributions as part of the cumulative development of 110 dwellings, of which the 100 has already been secured by S106 agreement. However, no specific request has been forthcoming.

7.45 On the basis of the above considerations the application is considered to be policy compliant in terms of its contributions.

7.46 Flood Risk

7.47 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.

7.48 The Environment Agency identifies the site as being in Flood Zone 3a. The Environment Agency advise they do not have any records of flooding in the area.

7.49 The sequential and exception tests are not applicable as the site is subject to an extant planning permission for residential development previously approved, and the development has commenced on site, so has been lawfully implemented.

7.50 The SFRA Residual Flood Hazard Maps for the 2115 1% Fluvial/0.5% Tidal event showing that there is no hazard at the proposed site as does the 2115 0.1% event. The Environment Agency Surface Water Flood Map shows that the site is not at risk of surface water flooding. The area surrounding the site is not known to suffer from ground water problems. The Environment Agency Risk of Flooding from Reservoirs Map shows the site is not at risk from reservoir flooding.

7.51 A surface water drainage design has been prepared to accompany this application. Given that the SFRA identifies the site as not being at risk of flooding it is recommended that finished floor levels are set at least 150mm above esteeming ground level aligned with normal building practices. The site will be registered with the Environment Agency's 'Warnings Direct' flood warning system.

7.52 It is acknowledged that some local residents express concerns in relation to flooding, however the Lead Local Flood Authority do not raise an objection to the scheme. Subject an appropriate condition it is not considered that the proposal conflicts with Policy 4 of the SELLP.

7.53 Foul and Surface Water

7.54 Foul water is to be disposed of by mains sewer. The foul drainage from this development is in the catchment of Spalding Water Recycling Centre that will have available capacity for these flows. Anglian Water do not object but suggest informatives.

7.55 The dwellings are placed around a central cul-de-sac that has a footway on one side and a surface water drainage swale on the opposite side. This follows Sustainable Drainage (SuDs) best practice. The development is to have a stand alone drainage system that is separate from the system on the Keston Nurseries development that is under construction. The Lead Local Flood Authority does not object. The IDB require further details associated with surface water which can be controlled via condition, and they also have separate regulations that would need to be adhered to.

7.56 Subject to conditions it is considered that these details are satisfactory.

7.57 Pollution and Noise

7.58 Policy 30 of the SELLP relates to pollution including mitigating the impact of noise. Anglian

Water note that the three affordable dwellings are close to their pumping station and are concerned about potential noise. The dwellings are 25m away from the pumping station so should not suffer significant noise as they are further away than the 15m zone where noise could be experienced. However, as a safeguard, a condition to ensure that the affordable housing is at least 15m away from the pumping station is suggested with a view to ensuring that the properties are not exposed to noise from the pumping station.

7.59 Noise and Vibration Assessments, as well as a Phase 2 Geo-environmental ground investigation report have been submitted and conditioned. SHDC Environmental Health have no objections, subject to standard conditions in relation to pollution to mitigate any impact should the ground be contaminated.

7.60 Subject to the imposition of these conditions it is not considered that the proposal would be contrary to Policy 30 of the SELLP.

7.61 Biodiversity and Landscaping

7.62 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. These principles are reflected in Policy 28 of the SELLP.

7.63 Conditions are suggested in relation to the inclusion of swift bricks together with a hedgehog highway scheme to the development to assist with biodiversity. In addition the landscaping condition suggests a focus upon native species to benefit biodiversity. A condition relating to biodiversity net gain is also included.

7.64 Subject to these measures it is not thought that the proposal would adversely affect Policy 28 of the SELLP nor Section 15 of the NPPF 2023.

7.65 Other matters

7.66 Building Control point out that refuse cannot be carried more than 30m, and that the road should be able to withstand an 18T Fire appliance. The latter can be noted as an informative on the permission. A standard refuse condition is suggested to be added to the conditions with respect to the former as well as a highways condition requiring the road to be built to adoptable standard.

7.67 One objector commented that the site was against Green Belt policies and that the site was not a rural exception site. It should be noted that the site is not designated as Green Belt land, nor is the proposal for a rural exception site (these types of schemes are a majority affordable housing scheme rather than market housing).

7.68 Planning Balance

7.69 Section 38 (c) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise. To determine whether the proposal accords with the Local Plan it is necessary to undertake a planning balance exercise having regard to economic, social and environmental objectives.

7.70 A key consideration in this case is the planning history of the site and what weight to give to it as outlined above. The reserved matters approved on the adjoining site excluded the site area which is the subject of this application. The outline consent contained condition 3 which limited dwelling numbers to 100. The 100 units were confined to an area which excluded the current site. However, this site was part of a wider outline permission that was implemented. This is a finely balanced case and requires a balancing exercise in considering economic, social and environmental factors.

7.71 In economic terms, future occupants of the houses may work locally, support local services and therefore make a contribution to the local economy. There would be short term economic benefits associated with the construction of the dwellings and long term benefits of increased spends associated with the households living in the area. The economic benefits resulting from the proposal weigh in favour of the proposal.

7.72 In community terms, the proposal would make a contribution towards housing supply in the district, on a site which already has planning approval for housing. However, the Council has a 5 year supply of housing and this site is within the countryside. The weighting in this matter is therefore neutral.

7.73 In environmental terms, the increased transport trips as a result of the development are insignificant, and in drainage and amenity terms, conditions are suggested to ensure that the risks of flooding is not increased elsewhere and that the effects of plot 110 are mitigated. Conditions are also suggested in relation to the installation of swift boxes and landscaping that has an emphasis upon native species. The condition associated with boundary treatments requests a hedgehog highway scheme to allow the free movement of hedgehogs through the site. These matters weigh in favour of the proposal.

7.74 Overall, in this finely balanced case, it is considered that, due to the planning history of the site and a previous implemented approval, the benefits of the proposal outweigh the harm to developing in the countryside in the planning balance. On balance, it is concluded that planning permission should be approved subject to conditions and a Section 106 agreement.

7.75 Conclusion

7.76 It is concluded that planning permission should be approved subject to conditions and a Section 106 agreement.

7.77 **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.

8.0 RECOMMENDATIONS

8.1 Grant Permission subject to the Conditions listed at Section 9.0 of this report and the applicant entering into a s106 agreement for 3 affordable housing units, an education contribution of £87,740 and a healthcare contribution of £8,580.

9.0 CONDITIONS

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

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

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

   Application Form
   Supporting Statement
   Phase 2 (geo-environmental ground investigation) report 1197/5171/P/P2 Rev 0.0 dated July 2020
   Noise Assessment Report 02828-110101 dated 06/04/2017
   Tree Survey P1162A/0916/02 V1 dated 09 September 2016
   Vibration Assessment Report 02828-220101 dated 06/04/2017
   LDC2902a-PL-02
   Preliminary Drainage Strategy DR-REP-0297 Rev 00 dated 31/01/2023
   LDC2902a-PL-01
   LDC2902a-PL-03a
   Flood Risk Assessment by Links Design Consultancy dated January 2022

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

3. The development permitted is limited to no more than 13 dwellings, with 10 of those dwellings being single storey bungalows.

   Reason: to define the terms of the permission and to ensure that overdevelopment does not occur. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019,

4. The following matters are reserved for subsequent approval by the Local Planning Authority and no development shall take place without the prior written approval of the Local Planning Authority of all details of the following matters:

i) detailed drawings to a scale of not less than 1:100 showing the siting, design and external appearance of each building, including a schedule of the materials to be used for the external walls and roofs of the dwellings;
ii) the scale and height of the proposed dwellings in relation to finished floor levels;
iii) the landscaping of the site, tree planting and tree retention.

The development shall be carried out as approved.

Note: access and layout have been approved in accordance with the above determined plan LDC2902a-PL-03a.

Reason: To meet the requirements of Section 92 of the Town and Country Planning Act 1990. The application was submitted in outline only and the above details are required to enable the Local Planning Authority to assess the detailed design, scale, appearance and layout of the development as well as ensure that appropriate access and services are provided to serve the development. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019,

5. When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by a scheme of landscaping and tree planting indicating (including screening of bin collection points), inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post-planting maintenance and such a scheme shall require the approval of the Local Planning Authority before any development is commenced. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Note: The applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development. The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.1 (or any successor).

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

6. Prior to the commencement of the development hereby permitted beyond oversite, a plan illustrating all areas of publicly accessible open space shall be submitted to and approved in writing by the Local Planning Authority. The areas so approved shall be laid out and made available for use in accordance with a specification and phasing that shall first be agreed in writing by the Local Planning Authority, and shall thereafter be so maintained.

Reason: To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the open space.
This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

7. A management plan for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted beyond oversite. The management of these areas shall be carried out in accordance with the details so approved.

Reason: To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the open space.
This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

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

Reason: To ensure that adequate provision is made for the management and maintenance of the those areas.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

9. Prior to the commencement of development, a detailed levels survey of the site, recording existing ground levels Above Ordnance Datum, including drawings showing the resulting ground and finished floor levels following construction of the dwellings and details of the height and relative position of proposed boundary treatments to the dwellings, shall be submitted to and approved in writing by the Local Planning Authority.

The submission shall be supported by cross-sectional drawings showing the relationship with adjoining buildings, including neighbouring properties along Mill Green Road, to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place and to ensure there are no adverse effects upon amenity in terms of overshadowing, loss of privacy or overlooking.

Reason: To ensure that the development does not adversely affect amenity.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

10. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment (prepared by Links Design Consultancy dated 9.1.2022 forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

-Finished floor levels shall be set to a minimum of 1.5m AOD .

-The developer should ensure that the eventual occupiers of the dwellings are aware of the risk of flooding and register with the Floodline Direct Warnings Service to receive any future flood warnings.

Note: The above approved plan does not constitute final approval of detailed site levels or finished floor levels.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2023.

11. Notwithstanding the partial details associated with the materials submitted with this application, before above ground development hereby permitted beyond oversite occurs, a schedule of external materials of the construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

12. Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings of not less than 1:100 in scale to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

The details shall be informed by the implementation of a Hedgehog Highway Scheme across the site to ensure all boundary treatments are permeable by ground dwelling species such as Hedgehogs, including the provision of 13cm sized holes and a routeing plan. The details shall be incorporated into elevation plans, and other details shall show the position, materials, appearance and height of boundary treatments. No dwelling shall be occupied until the approved boundary treatments have first been provided in accordance with the approved details.

Reason: In the interests of the character and appearance of the development, the amenity of the area in which it is set including the amenity of nearby occupiers and in the interests of biodiversity.
This Condition is imposed in accordance with Policies 2 ,3 and 28 of the South East Lincolnshire Local Plan, 2019.

13. The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development.
This Condition is imposed in accordance with Policies, 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019.

14. Notwithstanding the details shown on LDC2902a-PL-03a when application is made for Reserved Matters approval, the submitted details shall include the provision of a footpath connection to Mill Green Lane in the location of the current construction access.

Reason: To provide a safe and suitable pedestrian route onto Mill Green Lane where an otherwise informal footpath over a grassed area is likely to be formed.
This Condition is imposed in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019.

15. Before each dwelling (or other development as specified) is occupied, the roads and footways providing access to that dwelling, for the whole of its frontage from an existing public highway, shall be constructed to a specification to enable them to be adopted as public highway, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development and that the roads and footways are completed within a reasonable period following completion of the dwellings. This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

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

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

17. Notwithstanding the details shown on LDC2902a-PL-03a, when application is made for Reserved Matters approval, the submitted details shall include details of both cycle parking (either in the form of wall mounted racks or within garage spaces) and car parking to conform with the standards as set out in Appendix 6 pursuant to policy 36 of the SELLP, 2019.

Reason: To ensure adequate car and cycle parking is included in the development.
This Condition is imposed in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019.

18. The three affordable housing units shall be positioned at least 15 metres away from the pumping station.

Reason: to protect the future occupiers from noise associated from the pumping station. This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

19. The western flank elevation of Plot 110, which faces the boundaries of 1 and 2 Mill Green Road, shall not contain any windows, no external lighting and only solid doors in order to protect the outlook and privacy of nearby residential occupiers. The details so approved shall be retained thereafter for the lifetime of the development.

Reason: to protect the residential amenity of nearby occupiers. This condition is imposed in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out within plot 110 without the prior consent in writing of the Local Planning Authority.

i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
ii) the erection of house extensions including dormer windows, conservatories, garages, car ports, porches or pergolas;
iii) alterations including the installation of windows or doors, or additional windows or doors and the installation of roof windows on the western flank elevation of the property.

Reason 1: To ensure that the Local Planning Authority retains control over the future extension and alteration of plot 110 in the interests of residential amenity, and visual integrity, and the visual amenity and character of the area within which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

21. The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to, and approved in writing by the Local Planning Authority. The Construction Management Plan and Method Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and means to manage the drainage of the site during the construction stage of the permitted development. It shall include:

- the phasing of the development to include access construction;
- the on-site parking of vehicles of site operatives and visitors;
- the on-site loading and unloading of plant and materials;
- the on-site storage of all plant and materials used in constructing the development;
- wheel washing facilities as appropriate;
- measures to minimise the impact of noise, dust, vibration and smoke during the construction period.

Reason: In the interests of residential amenity and the safety and free passage of those using the adjacent public highway during construction.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

22. Before the commencement of the development hereby granted beyond oversite, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

23. Before the commencement of the development hereby granted, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained and to avoid pollution.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

24. The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA).

The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:
i) A preliminary risk assessment (desk study) shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). A full copy of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.
ii) If identified as being required following the completion of the desk-top study, an exploratory site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed end use. A full copy of the site investigation and findings shall be forwarded to the LPA without delay upon completion.
iii) Thereafter, a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.

No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

25. If contamination of land and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition 24 above and remediation is required, a full copy of a verification report shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation objectives and criteria has been fully met.

Note: The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

Reason: To ensure the satisfactory remediation of contaminated land and/or waters.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

26. The development hereby permitted shall not be commenced before details of the means of storage and disposal of refuse and recycling, as well as appropriate management and maintenance, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of relevant dwellings and shall thereafter be retained.

Note: For residential development, reference should be made to the Council's published PRIVATE DRIVES - WASTE VEHICLE COLLECTION SERVICE - GUIDANCE NOTE when submitting these details.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

27. Three swift nest bricks shall be incorporated within the external walls of each dwelling hereby approved and shall be retained thereafter.

Reason: In the interests of biodiversity.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

28. Before the commencement of any development hereby permitted, full details of measures for biodiversity enhancement measures to be implemented in conjunction with the development, shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be constructed/installed in accordance with the details so approved prior to the development being brought into use and shall thereafter be retained.

Note: Development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat and barn owl roost boxes and integrating nesting opportunities into buildings. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species.

Reason: To ensure that the development is able to deliver and incorporate biodiversity enhancement measures within the scheme.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019.

29. Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

30. The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district.
This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

31. 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

32. 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.

33. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence. The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated. Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station.

The site layout should take this into account and accommodate this infrastructure type through a necessary cordon sanitaire, through public space or highway infrastructure to ensure that no development within 15 metres from the boundary of a sewage pumping station if the development is potentially sensitive to noise or other disturbance or to ensure future amenity issues are not created.

If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information. https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/

Please find additional details from Anglian Water for your information.

34. Please find additional details from the Police in relation to detailed advice on Designing Out Crime.

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

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Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post: Mark Simmonds; Development Manager (Interim)

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Email mark.simmonds@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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