SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 11 January 2023**

(Author: **Polly Harris-Gorf - Principal Planning Officer)**

Purpose: **To consider Planning Application H14-0328-21**

Application Number:	H14-0328-21	**Date Received:**	30 March 2021
Application Type:	RESERVED MATTERS		
Description:	Residential development of 35 dwellings and associated works - outline approval H14-1311-16. Also consideration of conditions 3, 5 and 15 of H14-1311-16.		
Location:	Land off Milestone Lane Pinchbeck Spalding		
Applicant:	Postland Developments Ltd	**Agent:**	Aspect Architectural Design
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=H14-0328-21

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 As a result of the level of public objection to the proposal and the issues the application raises.

2.0 PROPOSAL

2.1 This is a RESERVED MATTERS application for the residential development of 35 dwellings and associated works, pursuant to outline approval H14-1311-16. Consideration of conditions 3, 5 and 15 of H14-1311-16 (Reserved Matters, landscaping, details of a footpath link).

2.2 Specifically, this reserved matters application proposes access from Milestone Lane, to be provided by adopted highway leading to private drives. A private footpath link is shown to Gallery Walk, on the eastern side of the site.

2.3 A mix of two storey dwellings and bungalows is proposed, as follows:

Number/Dwelling name

1 x Hornsby - Two storey detached 4-bed house
2 x Yorke - Two storey detached 4-bed house
3 x James - Two storey detached 3-bed house
6 x Chester - Two storey detached 2-bedhouse
2 x Ashton - Two storey detached 3-bed house
4 x Willoughby - Two storey semi-detached 2/3-bed house
6 x Stanton - Two storey semi-detached 1/2-bed house
5 x Eaton - Detached 3-bed bungalow

6 x Fulton- Semi-detached 2-bed bungalow

2.4 The affordable housing provision is proposed to be 9 dwellings, as follows:

Plot 11 - shared ownership - The Willoughby 3 bedroom house (3b4p option)
Plots 9, 10 - shared ownership - The Willoughby 2 bedroom houses (2b4p option)
Plots 28,31,32, 33 - affordable rent - The Stanton 2 bedroom houses (2b3p option)
Plots 29 & 30 - affordable rent - The Stanton 1 bedroom houses (1b2p option)

2.5 The application has been revised since original submission to reduce the number of dwellings and to amend the design and layout of the proposals. In addition, a viability submission was submitted and then withdrawn.

2.6 The application is supported by a Planning Design and Access Statement, Drainage Strategy, Ecology and Protected Species Survey, Tree Impact Assessment and a Landscaping Maintenance Plan.

3.0 SITE DESCRIPTION

3.1 The site is approximately 1.87 hectares in size and is comprised of a vehicle repair workshop, stables and paddocks. There are properties on the northern fringes of the site, accessed from Milestone Lane and Crossgate Lane, which run to the north and east of the site. To the west is Gallery Walk, which provides pedestrian links to Flaxmill Lane and to the south are the rear gardens of properties on The Meadows and Crossgate Crescent, both accessed from Flaxmill Lane.

3.2 The site has previously been used as a car workshop and former farmyard to the north of the site and grazing paddocks for horses to the south of the site with access from Milestone Lane. There are foul and surface water wayleaves crossing the site.

3.3 The site sits outside the settlement boundary of Pinchbeck but is adjoined by the boundary on 3 sides. The site is considered to be within the countryside for the purposes of the South East Lincolnshire Local Plan, March 2019 (SELLP).

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

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

South East Lincolnshire Local Plan, March 2019 (SELLP)

1 Spatial Strategy
2 Development Management
3 Design of New Development
4 Approach to Flood Risk
6 Developer Contributions
10 Meeting Assessed Housing Requirements
11 Distribution of New Housing
12 Reserve Sites
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
33 Delivering a More Sustainable Transport Network
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

National Planning Policy Framework (NPPF), 2021

Sections -

2 Achieving sustainable development
4 Decision-making
5 Delivering a sufficient supply of homes
8 Promoting healthy and safe communities
9 Promoting sustainable transport
11 Making effective use of land
12 Achieving well-designed places
14 Meeting the challenge of climate change, flooding and coastal change
15 Conserving and enhancing the natural environment
16 Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H14-1311-16. OUTLINE. Proposed residential development. (The development hereby permitted is limited to no more than 38 dwellings by condition) With S106 for developer contributions. APPROVED. 11-09-17.

This outline consent includes conditions relating to adherence to the approved Flood Risk Assessment, submission requirements for details of boundary treatments, the implementation of open space, open space management, refuse storage and details of the design and positions of all external boxes for gas and electricity supplies etc.

Also controlled by condition are Off-Site Works (a Negative/Grampian Condition) relating to the widening of the carriageway of Milestone Lane, on the section between the site entrance and the junction of Milestone Lane with Crossgate Lane, wider highway requirements and the construction of the estate road junction, the treatment of the estate road junction within the existing highway, details of a footpath link between the site's carriageway and the footway network and the existing Gallery Walk footpath, street lighting, surface water and foul drainage detail submission requirements, Construction Process Management Plan and the prevention of mud on the highway submission requirements, cycle rack provision and protected species submission requirements and a Section 106 to deliver 13 affordable dwellings (34% of the outline consent) is in place.

The details of this outline consent can be viewed at this link.
https://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H14-1311-16&from=planningSearch

5.2 H14-0418-00 - refused and decision dismissed at appeal (dated 10th April 2001).

6.0 REPRESENTATIONS

6.1 This application has been advertised in the local press and site notices displayed. In addition, internal and external bodies and individuals have been consulted by individual letter or email. As a result, the following responses have been received:

6.2 Pinchbeck Parish Council

Objections - 04-06-21

Pinchbeck Parish Council have major concerns with the over-development of this site. It is not in keeping with Pinchbeck village. The height of the properties will have a detrimental effect on the bungalows which are in close proximity. The Parish Council has been made aware of the

concerns of many residents in this part of the village, particularly highlighting the very narrow rural roads and existing poor road network. This development will have a harmful and damaging effect on the local people who chose to live in this quiet rural setting which will be changed forever with this overdevelopment.

Objections - 28-07-21

Pinchbeck Parish Council objected to the principle of development at the outline stage and, although outline consent was granted, we continue to object, to this reserved matters application for several reasons.

The site appears, largely, to be outside the settlement boundary, is within the open countryside and is not included for development within the SELLP. When outline permission was granted SHDC did not have a 5 year housing land supply and, had permission been refused at that time, it is likely it would have been approved on appeal.

SHDC does now have greater than a five year housing land supply, and as such the Parish Council questions the need for 38 dwellings in this location, and we believe the number of dwellings to be significant overdevelopment.

The lanes surrounding the application site (Milestone Lane, Flaxmill Lane and Crossgate Lane) were not built for the levels of traffic this development will bring. The lanes are narrow, with little in the way of pavements for pedestrians. It is unclear how the applicant will achieve widening the carriageway of Milestone Lane, in addition to adding a 1.8m wide pavement, in the location shown within the application.

Extensive reliance upon private drives within the proposed development leads to the use of storage/collection points for rubbish and recycling collection. This in turn leads to neighbour disputes and has a negative impact upon the street scene.

Development of this site brings with it the risk of flooding. The applicants' chosen method for outfall is the watercourse on the south side of Milestone Lane and close to Gallery Walk. This watercourse is considered to be wholly unsuitable.

Pinchbeck Parish Council wholeheartedly and strongly object to this planning application and support the objections raised by the local community who will have to endure the road and traffic problems which would be created should a development of this magnitude be approved.

Objections - 08-06-22

Pinchbeck Parish Council upon looking and discussing the plans for this application remain resolute in their previous comments for this proposed development which was originally for 38 dwellings. There is mention in the application of a green area which appears to be largely taken with SUDS. We continue to support the comments of the local people who chose to live in this quiet rural setting which would be changed forever and impact their lives should this application be approved. As already stated, the application site (Milestone Lane, Flaxmill Lane and Crossgate Lane) were just not built for the levels of traffic that this development would bring. The lanes are so narrow in this vicinity with little in the way of footpaths. Therefore taking all into account the Parish Council and the local community continue to support that this application is refused.

Objections - 07-11-22

At the very beginning when this planning application a number of years ago was brought to the table, the Pinchbeck Parish Council advised that they were totally opposed to the concept of this planning application due to the location being totally unsuitable. We are in receipt of multiple emails, letters etc. from the local community who do not support this planning. The Parish Council agree with the comments that we have received opposing this application which includes:

1. Part of the site is outside the settlement boundary.

2. The roads/lanes adjacent to the site (Milestone Lane, Flaxmill Lane and Crossgate Lane) were not built for the level of additional traffic this development would bring into the area.

3. There are concerns regarding the risk of flooding. Local land is known to be flooded following a heavy downpour

4. The applicant's chosen method for outfall is the watercourse on the southern side of Milestone Lane and is close to Gallery Walk. This watercourse is not considered to be suitable.

5. Although the applicant has reduced the number of proposed properties within this development, this development would swamp this area and would create challenges in the future as the scale of the development would put immense pressure on this area of the village.

6.3 SHDC Ward Members

Cllr James Avery

Objection - 12-10-22

The site location is largely outside the settlement boundary of Pinchbeck and is therefore within open countryside, as defined in Policy 1 of the South East Lincolnshire Local Plan (2019).

Outline permission was granted at a time when South Holland District Council did not have a five year housing land supply. SHDC does now have a greater than five-year housing land supply.

The applicant has not sufficiently proven that the element of the proposal located in the countryside is necessary in this location, so I question the need for 36 properties, and regard it to be over development.

The roads and pavements in this location are rural and wholly unsuitable for the levels of vehicle journeys this level of development would generate. Crossgate Lane is single-track without pavements. Milestone Lane, at this location is a narrow lane without pavements. The Design and Access Statement suggests these issues have been 'addressed', but they have not.

Two thirds of the green space is actually an attenuation pond, and therefore unusable as green space.

When excluding the green space on-site, the build density is higher than the 19 per hectare suggested in the Design and Access Statement.

LCC as the lead flood authority provide no objection on flood grounds. There was significant flooding in August in and around this site. Although the Met Office predicted local and national flooding events due to a combination of potentially significant rainfall (which did occur) aligned to the protracted hot and dry weather during the summer, the Met Office has also indicated these weather events are most likely to become part of a three-year cycle. This weather event was described by LCC as exceptional, but it has also been accepted by LCC that 'exceptional' is becoming the norm. On this basis, this site, and dwellings built upon it, are likely to flood with increased frequency.

In June 2022, application H14-0450-22 (No' 47 Milestone Lane) was refused for two reasons; the second reason being the need "to raise finished floor levels to 1.0m above existing ground level due to flood risk, which has been addressed by incorporating stepped access. This is at odds with the appearance of existing dwellings in the vicinity". It's difficult to understand why No' 47 Milestone Lane would be subject flood risk, but there is no flood risk on this adjacent site.

Cllr S A Slade

Objection - 08-04-21

I am objecting on the basis that Pinchbeck cannot cope with more residential development, unless increased investment is put into roads and schools. This development is on a rural road and will create an increase in the amount of traffic. A previous application for an outdoor sports field close by on Milestone Road was refused by Highways on the basis of the visibility and increased traffic. I think that this development will create far more traffic and be detrimental to the rural nature of the area. It should therefore be refused.

Objections - 13-04-21 and 19-04-21

This application will put pressure on the rural (mostly without pavements) roads in the immediate area. It will cause an increase in traffic and many more children needing spaces at the local schools, which are already full. Pinchbeck simply cannot cope with more housing development. It is a village, not a town, but is being treated as a suburb of Spalding.

Cllr E J Sneath

Objection - 19-04-21

This application will put pressure on the rural (mostly without pavements) roads in the immediate area. It will cause an increase in traffic and many more children needing spaces at the local schools, which are already full. Pinchbeck simply cannot cope with more housing development. It is a village, not a town, but is being treated as a suburb of Spalding.

Objections - 26-04-21 and 04-05-21

This application is surely invalid as it has run out of time on its OPP by over 6 months.

The site falls outside of the Local plan, is classed as countryside and is not within the settlement boundary (nor was it when the OPP was given) - and has been considered by the SHLAA as unsuitable.

The lack of adequate roads to enter and leave the site, mostly in the area are narrow ungritted country lanes with no pavements and there is no chance for improvement of these former farm tracks.

There are also considerable and serious errors in the boundaries shown on the development plans.

Ask that this application be referred to Committee so the many issues raised can be debated properly in a public forum.

Objection - 12-07-21

Previous objections still stand, also:

Road width is an issue in the area with mostly a maximum of 5m which is less than the minimum of 5.5m required for vehicles to pass safely.

There is much farm machinery using the area and they have to use the whole width.

Points 11 and 12 in reserved matters have still been ignored and relate to how details regarding the widening of Milestone Lane must have planning approval. However in the designated area for widening there are drainage dykes on either side and a 5m width will not be possible.

The revised plans do not address the serious issues raised about the site and are mainly about landscaping.
Previously this area has been classed as undevelopable due to highways objections and issues. There have been no changes in the area since the South East Lincolnshire Strategic Housing land availability assessment.

Other planning applications in the immediate area have been turned down in the past and recently.

6.4 Cllr Jane King (In role as LCC County Cllr)

Objection - 11-07-21.

As county councillor for this particular area I wish to object to this development. There is a lack of adequate roads to and from the site nothing mentioned about refuse collection. This would appear to be a very large development possibly overdevelopment.

Objection - 06-09-21.

The roads are not suitable for the amount of traffic, there are too many properties for the rubbish collection points these in themselves cause major issues with rubbish being put out all the time instead of just before collection, this leads to a negative visual appearance. The houses are not in keeping with the established ones. Highways don't appear to have any issues with this but as ward members have pointed out they have had in the past.

Objection - 09-05-22

Apart from the reduction of two houses nothing really has changed it is still very much an overdevelopment with Milestone, Flaxmill and Crossgate Lanes still single track. Does the site have adoptable roads or are there intentions of refuse areas which always cause issues.

Objection - 7-10-22

This is still very much of an overdevelopment. Some of the properties have gardens slopping towards the established houses so any run off will impact them.

6.5 SHDC Housing Strategy

Comments on original submission -23-04-21

The Outline consent benefits from a s106 Agreement that secures a minimum of one third of the total number of dwellings as affordable housing. The s106 Agreement also requires the applicant to submit an affordable housing scheme for approval detailing the tenure, mix, size and location of the affordable dwellings.

Within this Reserved Matters application I cannot find any documentation that sets out what is being proposed as the affordable housing scheme. Therefore I ask that the applicant provides this information. Given the Local Plan changes since the Outline consent with a reduction in affordable housing policy to about 25% the authority may accept a reduced contribution than the current Outline consent. This would equate to 9.5 dwellings, clearly 0.5 of a dwelling is not practical so the developer should provide 10 dwellings unless they are able to provide evidence to the contrary.

Of the 10 affordable dwellings to comply with the tenure split in the Affordable Policy of about 70% for rent and 30% for Intermediate for sale, the applicant should provide 7 for rent and 3 for shared ownership.

For the Rented mix the applicant should consider providing 2 x 1 bed houses, 4 x 2 bed houses and 1 x 3 bed house and for the Shared Ownership mix 2 bed houses or 2 bed bungalows to contribute to meeting the needs of an ageing population.

It would be preferable for the homes to be built to the 'Nationally Described Space Standards', with the dwellings at least: 1 bed 2 person, 2 bed 4 person, 3 bed 5 person. The policy also encourages homes that are capable of adaptation over time so the applicant should consider developing the homes to M42 and/or M43 standards.

It would also be useful to understand if the homes are proposing any low carbon use or emissions initiatives, again encouraged in the Local Plan but not a policy requirement.

The developer should also seek to secure a Registered Provider for the affordable dwellings at the earliest opportunity. The Strategic Housing Team can provide a list of RPs with stock in the local area should the developer require this. The RP should be prepared to enter into a Nominations Agreement with the Council to ensure that the rented homes are let to households from the Council's Housing Register.

Comments on amendment - 12-07-21

It does not appear as though the applicant has addressed any of the affordable housing aspects from my comments dated 22 April 2021. I would therefore request that the applicant revisits these and clearly sets out their intentions for the affordable housing scheme that accords with planning policy and the s106 Agreement relating to the Outline consent.

Comments on amendment - 19-10-22

The proposed development benefits from outline planning approval H14-1311-16, which includes a S106 for 33% affordable housing. Since the planning approval was gained South Holland DC has established a revised affordable housing contribution of 25% and the applicant has indicated in the offered provision of 9 affordable dwellings, they wish to provide 25% affordable housing.

The original application was for 38 dwellings and Housing Strategy provided a housing needs mix for 10 affordable dwellings in April 2021, 7 Affordable rented, 2 x 1 bed houses, 4 x 2 bed houses and 1 x 3 bed houses. Shared ownership 2 bed homes being a mix of 2 bed houses

and 2 bungalows to contribute to meeting the needs of an aging population.

Policy 18: Affordable Housing of the Local Plan indicates a tenure split of 70% in favour of Rented and 30% Intermediate housing for sale dwellings will be sought, whilst appreciating that this may vary on a site-by-site basis due to factors such as viability or affordable housing need. Policy 17: Providing a Mix of Housing in the Local Plan encourages a mix of house types and sizes to meet a range of needs.

The split of 70% Affordable Rented and 30% Intermediate - Shared ownership provides for 6 Affordable rented and 3 Shared ownership. The applicant has recently supplied a Housing Schedule to Planning Department which indicates 9 Affordable housing units comprises as set out below.

6 Affordable Rented dwellings
11A The Stanton 1 bed dwelling 2x 1 bed houses plots 29,30
11B The Stanton 2 bed dwelling 4 x 2 bed houses plots 28,31,32,33

3 Affordable Intermediate Shared Ownership dwellings
05A The Willoughby 2 bed dwelling 2 x 2 bed house plots 9 & 10
05B The Willoughby 3 bed dwelling 1 x 3 bed house plot 11

05B The Willoughby 3 bed dwelling 1 x 3 bed house plot 11

After consulting the current local Housing Needs Information, Housing Strategy can accept the above proposed housing needs mix.

It would be preferable for the homes to be built to the 'Nationally Described Space Standards' at 1 bed 2 person 2 storeys, 2 bed 4-person 2 storey and 3 bed 5 person 2 storeys, although this is encouraged but not a requirement of policy. I note from the sizes listed within the planning statement that none of the homes meet NDSS, but they do meet at least 85% of NDSS which is often a minimum requirement for Registered Providers (RPs). Local policy also encourages homes that are capable of adaptation over time so it would be useful to understand if any of the homes are proposed to meet either M42 or M43 standards. It would also be useful to understand if the homes are proposing any net zero carbon initiatives, again encouraged but not a policy requirement.

The applicant should also seek to secure a RP for the affordable dwellings at the earliest opportunity. The Strategic Housing Team can provide a list of RPs with stock in the local area should the applicant require this. The applicant and RP should be prepared to enter into a Nominations Agreement with the Council to ensure that the rented homes are let to households from the Council's Housing Register.

6.6 LCC Highways & SUDS Support

Comments on original submission - 13-05-21

ADDITIONAL INFORMATION REQUIRED

Before proceeding too far with considering the highway and surface water flood risk impacts of the submitted details, I would appreciate the Local Planning Authority's view on the acceptability of the majority of roads on this development being maintained as private roads. With the exception of the section of roadway between the Milestone Lane junction and the first crossroad junction, all carriageways and footways are proposed to remain private. I know from recent discussions that this can present problems for Local Authority refuse collection.

I am concerned also with the proposal to construct these private roads using a permeable asphalt construction. That concern is compounded by the fact that there appears to be no Ground Investigation information submitted with this Application. Ground Investigation information is vital to the design of the proposed permeable pavement.

In addition to those concerns, the watercourse running along the south side of Milestone Lane and along the edge of Gallery Walk is not considered to be suitable, in its present state, to serve as the outfall from the proposed development. Alongside Milestone Lane it is just a series of un-connected depressions that appear to dispose of surface water run-off by a combination of infiltration and evaporation as it goes nowhere and alongside Gallery Walk it disappears under very heavily overgrown vegetation with no obvious connection to the IDB maintained, culverted watercourse at the Flaxmill Lane end of Gallery Walk.

Would not be able to advise approval of this Application on the basis of the submitted details.

Comments on revised submission - 04-07-22

NO OBJECTION

The highway and drainage proposals shown on the submitted amendment are a considerable improvement over those of the original submission.

The most fundamental change is that the roads and footways are now proposed to be adopted as public highways. This will mean that the development can be accessed by the local authority's refuse collection vehicles.

The entrance into the development will be a 5.5 metre wide carriageway with a single 2.0 metre wide footway on the west side. This is an acceptable arrangement for a development of this scale. The carriageway then splits into a looped arrangement around a central grassed open space area. The 2.0 metre wide footway continues along the north side of the carriageway on the part of the loop that splits to the west and extends beyond the central loop as a footpath that connects onto Gallery Walk (as required by Condition of the Outline Consent). The majority of the central looped road will be a shared-surface arrangement i.e. with no footways. Vehicles and pedestrians will share use of the carriageway. The width of this shared-surface carriageway is also 5.5 metres. A service margin area is to be provided around the edges of the central looped road, to accommodate utility company services such as gas, water, electricity and telecoms. This is all in accordance with current highway authority guidance. The layout includes an adoptable footpath that will run directly across the central grassed open space area. This is a sensible provision as it will avoid the inevitable formation of a pathway worn into the grass on a natural pedestrian desire line. The amended layout still retains some private drive areas, but these are now of a much more manageable scale.

The submitted amended layout includes what are annotated as two 'table top' features. These may be acceptable if they are intended to be simply a change in surface materials but the highway authority would not wish to see any sort of vertical deflection (humps), as these can cause noise and nuisance issues in adjacent dwellings.

The amended drainage arrangement is a combination of conventional road gullies and pipes around the entrance road area and roadside collection and conveyance swales within the central grassed open space area. The central grassed open space area will also accommodate a basin area, which will contain excess surface water run-off in severe storm events. The surface water run-off from both the roads and properties will be managed together and will be attenuated to greenfield run-off rates before being discharged into the Welland and Deepings Internal Drainage Board system. The outfall from the development is shown to pass through an 'Easement' area between plots 23, 24 and 25. It has been suggested to the Agent that it might be better for this outfall to follow the route of the footpath link to Gallery Walk to reduce the possibility of anything being built over the outfall pipe in the future.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that subject to compliance with the Outline Conditions and the advice above, the proposed development would not be expected to have an unacceptable impact upon highway safety, a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore, does not wish to object to this planning application.

The submitted layout shows indicatively, the widening of the carriageway of Milestone Lane to 5.0 metres and a 1.8 metre footway. These improvements are already required by Condition 11 of the Outline Consent so there should be no cause to repeat those requirements on any Consent that may be granted for this Reserved Matters Application. These highway improvement works will be the subject of a legal agreement between the highway authority and the developer, under Section 278 of the Highways Act 1980. The standard highway conditions are also included on the Outline Decision Notice so again, there should be no cause to repeat those Conditions.

Requests that any permission given by the Local Planning Authority shall include the informative set out below in the recommendation.

Further Comments - 07-12 -22

Liability for Maintenance records which show there to be sufficient highway verge on this part of Milestone Lane to allow the widening of the carriageway to 5.0 metres and the provision of a 1.8 metre wide footway, as required by Condition 11 of H14-1311-16. These works are required only on the part of Milestone Lane between the site entrance and the Crossgate Lane junction and not for the full length of Milestone Lane.

6.7 Anglian Water

Assets Affected - 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.

Foul Water - We have reviewed the applicant's submitted foul drainage strategy drawing 21027-010 Rev P5 and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge Condition(s) 3 and 18 of the outline planning application H14-1311-16 to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage information.

Surface Water - We have reviewed the applicant's submitted surface water drainage information (Drainage Strategy) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible.

6.8 Welland and Deepings Internal Drainage Board

Comments on original submission

As per the submitted drawings for this application, the developer has chosen the private dyke to the west of the site along Milestone Lane to be the designated outfall route for the proposed additional surface water discharge outfalls. This dyke then conveys the additional water into the Board's Gallery Walk pipeline.

The integrity of this chosen outfall route should be proven to both Welland & Deepings Internal Drainage Board (W&DIDB) and Lincolnshire County Council (LCC) to satisfy them both that the route is either already at an adequate standard to convey the proposed additional water, or it will be upgraded as part of the scheme so that it is able to do so. This includes either proving that culvert pipes are present in the existing access crossings and, if not, that they will be installed subject to the prior written consent and agreement of technical details with the Board.

The future maintenance of the chosen outfall route should also be proven to both W&D IDB and LCC to ensure that the integrity and performance of it will remain in perpetuity.

Comments on revised submission

Reiterate that in previous comments on this application, drew attention to the fact that the receiving watercourse needed to be upgraded and maintained in perpetuity. Given the nature of the additional information submitted, it seems prudent to reiterate this point but also to advise that the existing hedgerow on the western boundary should be included within the routine

maintenance schedule.

It is important to do this so that both the receiving dyke section and the end of the Board's Gallery Walk pipeline that accept this dyke section's water are readily visible so that any potential blockages can be easily seen and then removed as soon as possible; therefore ensuring the integrity of the system as far as is reasonably practicable. In doing this, this will also guarantee that the Board maintain access to the pipeline to carry out their statutory duties.

6.9 Police Crime Prevention Design Advisor

Lincolnshire Police do not have any objections to this development.

6.10 Sir John Hayes MP

Objection 20 May 2021

Validity of application outside original timeframe for outline consent
Over development of site
Cumulative impact of number of dwellings on the village - increased demand and strain on schools, doctors and dentists.
Fear of pinchbeck becoming a suburb of Spalding
Accessed via narrow lanes with little or no pavements
Detrimental impact on current residents and road infrastructure
Concerns regarding emergency vehicle access and refuse collection
Increase in flooding
Loss of greenspace and natural drainage this provides

Objection 20 May 2021

Impact of 36 dwellings on infrastructure and nearby residents.
Over development of the site.
Influence from surrounding homes has not been included in the design.
Refuse collection needs clarification.
Highway safety.
Flooding and in area of high flood risk.
Decrease in quantum of affordable dwellings from one third to 25%.

6.11 Public

Representations on original submission

32 Objections received, raising the following issues:

Outline consent should not have been granted
Contrary to local plan
5 Year housing land supply now in place
The South East Lincolnshire Strategic Housing Land Availability Assessment (January 2016) found that this site was not suitable for development.
Flood Risk
The site location plan incorrectly shows boundaries & verges and is missing key information such as location of dykes including ownership
The dykes cannot be filled in as it is needed for drainage for the farm land as well as residential properties
From dyke to dyke there is only 4.4m not 5m. Therefore the lane outside plot 2 & part of the entrances cannot be increased to the required width
Private boundary is the middle of the dyke and are not prepared to have this filed in based on the advice of Welland & Deeping Drainage board and the impact it would have to private property
Drainage dykes not included on the plan
Designated countryside & outside of the settlement on the current 5 years plan and is not a brownfield site or replacing existing dwellings.
Area not suitable for type/amount of development
Refusal of other developments in area
Previous planning applications for nearby sites have been refused because of an increase in vehicular traffic along Milestone Lane, especially because of the blind spot exiting Bacons Lane
Losing the local character

Restricted width/form of road network
Local lanes are in poor state of repair
Since the barriers have been installed at Langhole Drove crossing, have seen a slight increase in traffic due to people bypassing the village and main road.
Impact on vehicular highway, pedestrian, agricultural vehicles and equestrian safety due to increase in traffic
Consider making Crossgate Lane a "no through road" and put pavements in Milestone Lane
Lack of footpaths and inadequate street lighting
Access for emergency vehicles
Proposed dwellings are on a site which should be left fallow or used for ongoing equestrian purposes to ensure relief should flooding occur.
Disruption and noise pollution will potentially have an affect on wildlife
Not enough amenities in pinchbeck to allow for another large scale development. No largest parks, youth centres, school at capacity, no permanent doctors.
The loss of a green space which separates pinchbeck from Spalding.
No capacity for surface water drainage
Increase in land levels and risk of flooding adjoining land
Wildlife and loss of important open spaces
Colonies of bats living in the immediate area
Impacts on local ecology
Impact on nesting birds
Nearby area is meeting point for children who would be in highway danger on an unlit road
Road danger to pets
Loss of greenspace and impact on mental health
Overlooking and Loss of Privacy to adjoining dwellings
Overshadowing
Vibration
Local character and noise
Electric and gas supply lines will not cope
Loss of amenity - stables and paddock
Sir John Hayes is requesting that greenfield sites aren't utilised when brownfield sites are available and the impact building on countryside would have on the character of an area
Previous appeal dismissed sand other refusals on increase of traffic H14-0418-00, H-14-0748-13, H14-0955-16
Extra noise & disruption (during building work & upon completion)

Two petitions - , One of 2 signatures and one of 29 signatures:
- Overshadowing
- Overlooking/Loss of privacy
- Local plan - site is outside settlement area
- Size & Scale of development, Highway safety and traffic generation
- Pedestrian safety
- Local character and noise
- Wildlife and loss of important open spaces (particularly Owls and Bats)
- Flood Risk
- Previously refused applications
- Planning cumulative impact
- Inaccurate plans

Representations of comment received:

One comment received regarding provision for Swifts

Representations on revised submission (05-07-21 onwards)

104 objections received, raising the following issues:

Reiteration of previous objections above
Contrary to local plan
5 Year housing land supply now in place
The South East Lincolnshire Strategic Housing Land Availability Assessment (January 2016) found that this site was not suitable for development.
Development not suitable to area
Question accuracy of the FRA, given the inaccuracies in the plans
Size & scale of development,
Highways safety and traffic generation
Impact of large development on tradition and culture of village
Enough brownfield sites are designated for development

Classed as countryside
Loss of Boundary Hedge
Traffic increase - needs consideration for agricultural vehicles, local dog walkers, walkers, horse riders and other local residents
Applications previously have been declined and rejected for local residents due to an increase in traffic
Significant impact on the nature and wildlife to the area
Will cause lengthy disruptions
No need for further housing development in the area
Local roads do not have capacity
Lanes narrow with no pavement
Overshadowing, loss of light, privacy and overbearing effect to dwellings at entrance to site
Services at capacity
Unsuitable for the extra volume of traffic & pollution
Reduction in open spaces,
Loss of countryside & wildlife
Could be planted as orchard - education and encourage wildlife
Field much more suited to horses
Road is too narrow for increased traffic
Increased noise & disturbance to current residents
Pedestrian safety at risk of all ages, due to narrow road & no footpaths.
Losing the local character of the area.
Lack of infrastructure and jobs to support new housing
Pinchbeck getting plenty of new houses elsewhere
Lack of investment in public services, infrastructure and local amenities
Flooding
Inadequacy of dykes and infilling
Out of character urban development
Impact on wildlife habitats
Sewage system inadequate
Require fencing to support privacy and decrease the noise
Pinchbeck and Spalding cannot cope with increased population as dentists, doctors and schools are already oversubscribed
Removes walking areas for residents further afield (Woolram Wygate)
Application not coming up on searches
Previous appeal dismissed and other refusals on increase of traffic H14-0418-00, H-14-0748-13, H14-0955-16

Copies of a standard "round robin" letter raising following issues received from 76 households:

Application not accompanied by all issues in outline consent; this is an artificial way to extend the outline consent
Scale and size of development
Traffic generation
Highway and pedestrian safety
Inadequate road widths in locale
Existing use of roads by farm traffic and highway safety
Lanes in poor state of repair and development would have a further impact
Size of development not in keeping with local area
Increase in noise and disturbance, as well as vibration from the volume of traffic
Design approach is uniform and not in keeping
Loss of important open space, designated countryside in SELLP
Wildlife impact
Flood risk
Concerns regarding SUDS raised by LCC not taken in to account
Concerns of Welland and Deeping IDB not addressed in submission
Wider sustainability to the community to outweigh the risk informed by a strategic flood risk assessment as mentioned in the Waterco report not submitted
Removal of sheds/asbestos
No details of highway and footpath detailing, lighting, kerbs or drainage
Landscaping submission lacks details required by the outline consent (reserved matters conditions)
No details of refuse collection
No details of lighting to address light pollution
Construction management details not submitted
Mud on roads during construction not submitted
Cycle storage not detailed
Development level plans show slope; this needs to be mitigated against re surface water and

flooding, especially as neighbouring dwellings are bungalows with no upper floor escape route
Flooding potential compounded by dyke surrounding field being filled
Landscape details not enough - mentions trimming but not specific
Plots 1 and 2 needs a turning drive to ensure safe access
Pond area is of concern; impact of potential flooding

Representations on revised submission (29.4.22 onward)

72 Objections to revised submission:

Reiteration of previous objections above
Sufficient houses in all villages
Moratorium of development until infrastructure and services improve
Risk assessment as part of South Lincs Strategic Housing Land Availability 2018 which states that it is not conducive to many plots
Not allocated site; is outside development boundary; South Lincs Strategic Housing Land Availability 2018 stated land it undevelopable
Pinchbeck has sufficient infill development and add on sites
Impact on Local Character
Over-development of site
Boundary shown incorrectly
No details of increase of the highways & footpath, lighting, kerbing or drainage
Proximity to trees, particularly plots 3, 5 and 6
Trees not surveyed
Removal of hedges
Upkeep of drainage not addressed
Highway safety/inadequate road widths and form
50MPH limit on Main Road will cause accidents
Crossgate Lane would become a rat run
Current state of Milestone Lane (narrow and without pavements)
Milestone Lane not capable of width increase
Milestone Lane, Crossgate Lane, Bacons Lane, Flaxmill Lane all narrow and single track at points
Inadequate safety of drivers, wheelchair users, cyclists, horse riders, runners and dog walkers on road network
Removal of easy safe cycle path to Spalding from Pinchbeck
Lack of footpaths
Traffic generation
Extra traffic on road into Pinchbeck by railway bridge and junctions of Brownlow Crescent, Knight Street and Rotten Row
Noise pollution and disturbance resulting from use
Lack of infrastructure/services
Drainage/flooding
Lack of sewer capacity
Impact on wildlife
Loss of privacy and overlooking
Overshadowing
Previous refused applications
construction noise and disturbance
Need space for food production/use of agricultural land
General need for open space
Should be left for nature
Development and impact on mental health/stability
Communal refuse collection areas not acceptable - visual appearance and attract vermin
Increased crime, vandalism, antisocial behaviour
Management responsibilities of the dyke and site in general
Hazardous materials and contamination
Conditions of outline not addressed
Safety of wildlife and pets
Impacts of street lighting
Potential development did not come up on searches - lack of transparency
Elderly without access to internet not consulted

Copies of a standard "round robin" letter raising following issues received from 136 households:

Highway and pedestrian safety
Flood risk
Scale and size of development

Local character
Noise
Lighting
Wildlife
Landscaping
Hazardous materials
Overshadowing and privacy for residents
Infrastructure
Adopted highways
Planning policies and local plans - South Holland Local Plan 2006 and Strategic Housing Land Availability 2018
Reserved matters not addressed (references to conditions appended to the outline consent)

Representations of comment received:

One comment received regarding provision for Swifts.

Representations on revised submission (20-09-22 onward)

53 Objections received:

Reiteration of previous objections above
Other consents for housing development have been approved in Pinchbeck
Density high compared to applications between Flaxmill Lane and Captains beck - almost double
Boundary still incorrect
Tree survey inaccurate
3D drawings inaccurate
Inadequate greenspace - attenuation pond
Reserved matters still not addressed
Reduction of number of dwellings do not overcome issues
Design not following the principles of NPPF, South East Lincs plan and South Holland Plan
Size and uniformity of small plots is not in keeping with the area
No development in area as a matter of principle
Reduction in Affordable Housing quota
The document by Causeway, Parsons Consulting Engineers, on SW calculations list design settings of maximum rainfall 1.0 mm per hour. Inadequate.
No assessment or mitigation of impact on standing water on the north side if shallow dyke there is reduced
No assessment of adverse effect of reduced grass verge in respect of pedestrian passage and refuge from traffic whilst walking on that side.
"Greenbelt", not a brownfield site
Designated countryside
Roads not maintained
Responsibility to maintain the hedging and dyke unclear
Existing properties recently flooded
Dykes and fields not able to drain away flood water
Widening of the Highway - Width of road cannot be achieved
Refusal of H14-0450-22 (No' 47 Milestone Lane) and H14-0811-21 (Adj. 47 Milestone Lane) relevant
Increases in land levels
Damage to property if motorists use drives or hedge borders when trying to pass
Local character impact
No details of lighting provided
Protection of hedges

Copies of an updated standard "round robin" letter raising following issues received from 123 households:

Highway safety
Pedestrian safety
Flood risks
Scale and size of the development
Local character
Noise
Lighting
Wildlife
Landscaping

Overshadowing and loss of privacy for residents
Infrastructure
Planning policies, local plans and NPPF 2021
Reserved matters not addressed (references to conditions appended to the outline consent)

Representations of comment received:

One comment received:

Land has no issues with flooding
Water sits where the archaeological dig took place as they never back filled properly so slight dips in field

Representations of support:

8 representations of support received:

The area needs more housing
Shortage of affordable housing
Have never known this area to flood from the river
Land has no issues with flooding - over 65 years experience of the site
Water sits where the archaeological dig took place as they never back filled properly so slight dips in field
Heavy rain shouldn't be an issue as long as sufficient drainage has been built
Would give residents better views than at present
The field itself is surrounded by other buildings anyway
Affordable housing and a small increase of properties would actually bring more income to the area, its retailers and
associated suppliers.

7.0 CONSIDERATIONS

7.1 Planning Considerations

The main issues in this case are:

The validity of a reserved matters application
Principle of Development and Sustainability
Layout and Design
Highway safety and parking
Impact of neighbouring Residents/land users
Flooding considerations
Foul and Surface Water Drainage
Landscape Impact and Impact on trees
Contaminated Land
Biodiversity
Developer Contributions and Affordable Housing

7.2 The validity of a reserved matters application

7.3 The Business and Planning Act 2020 temporarily modified the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 to enable certain planning permissions and listed building consents in England which had lapsed or were due to lapse during 2020 to be extended.

7.4 This was in recognition of the effect coronavirus was having on the planning system and the construction sector and in particular the delays it caused to the commencement of new development. This extension allowed the commencement of the planning permissions and listed building consents without the need for a new application.

7.5 With regard to outline applications,

- time limits for implementation passed between 19 August 2020 and 31 December 2020 were automatically extended to 1 May 2021

- time limits for implementation passed between 23 March 2020 and 19 August 2020 were extended to 1 May 2021 if Additional Environmental Approval is granted in respect of the relevant planning permission

7.6 In addition, any deadline for the submission of applications for the approval of reserved matters under an outline planning permission which would otherwise expire between 23 March 2020 and 31 December 2020 was extended to 1 May 2021. The host outline consent for this proposal was granted on 30/09/17 so therefore the period for submission of Reserved Matters was extended to 1 May 2021, therefore the submission of this Reserved Matters application on 30 March 2021 is valid.

7.7 It is the temporary modifications to the Act that enabled this application for reserved matters to be submitted. It is therefore proper to consider this application to be valid, and to rely upon the outline consent as the matter of principle at the time of the submission of the reserved matters application.

7.8 Principle of Development and Sustainability

7.9 Policy 1: Spatial Strategy of the SELLP directs development to main and minor service centres, and other service centres and settlements where limited growth under specific circumstances would be allowed. The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.

7.10 Policy 1 is clear that "*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 the area in terms of economic, community or environmental benefits."*

7.11 Pinchbeck is considered to be a Main Service Centre within the South East Lincolnshire Local Plan, March 2019 (SELLP). Within the settlement boundaries of the Main 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.

7.12 Paragraph 3.2.10 of the SELLP states: *The inclusion of Pinchbeck as a Main Service Centre can also contribute to maintaining and improving service infrastructure outside Spalding. But the main justification for its inclusion as a Main Service Centre is that there are significant levels of development within the parish, the boundary of which adjoins the urban edge of Spalding. Whilst the settlement boundary for Pinchbeck will define the settlement it is clearly a location of significant existing service provision.*

7.13 This application site is outside but adjacent to the settlement boundary, and is considered to be within the countryside. 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 the area in terms of economic, community or environmental benefits.

7.14 This land benefits from the outline consent set out above, granted as a result of a lack at the time of a 5-year housing land supply and considered at that time in the light of the prevailing policies of the adopted South Holland Local Plan, 2006 and emerging South East Lincolnshire Local Plan, as well as the 5 year housing requirement considerations within the National Planning Policy Framework, 2012, which was relevant at that time. This outline consent also fell within the remit of the temporary modifications to the Town and Country Planning Act 1990 as explained above.

7.15 Thus, the principle of the development of this countryside site is accepted by the outline consent. This application therefore deals with the reserved matters, and the principle of development has been set by the outline consent.

7.16 For the sake of completeness, officers advise that as at 31 March 2022, the South Holland housing land supply is shown to be 5.9 years. In certain circumstances Local Planning

Authorities are required to also add a buffer of 20%. South Holland passed the Government's Housing Delivery Test this year with 176%, and has passed the previous two years as well. We have not therefore, faced the three consequences associated with failing the test including having to apply a 20% buffer. However, we were placed in the buffer in 2018 and considering the historic under delivery of sites within South Holland, and the fact that there remains a substantial shortfall, despite rates improving, it is considered that the Council should apply a 20% buffer to the requirement.

7.17 Within the South Holland District Council 5-year Housing Land Supply Assessment (as at 31st March 2022), in order to look at delivery, certain major sites that benefitted from outline consent should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. The PPG (ID:68-007) indicates that *"such evidence, to demonstrate deliverability, may include:*

- current planning status - for example, on larger sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;
- firm progress being made towards the submission of an application - for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates;
-firm progress with site assessment work; or clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects."

7.18 The loss of agricultural land and its removal from the production of food, thereby increasing food imports is a matter of strategic concern, and the SELLP sets out criteria for development within countryside areas. It is to be recognised however that at the time of the submission of this reserved matters application there was an extant outline consent in place for the development of this land for housing; on balance it is considered that this is a material planning consideration.

7.19 Layout and Design

7.20 The outline consent for up to 38 dwellings would have achieved a density of circa 20 dwellings per hectare if developed for the maximum consented, 38 dwellings. This reserved matters application proposes 35 dwellings and would provide a density of circa 18.72 dwellings per hectare.

7.21 The current layout shows a mix of dwelling sizes, tenures and types, set largely around an area of open space, that is to be landscaped and would include an attenuation basin (part of the drainage strategy for the site). The dwellings would be accessed from a public highway, with most dwellings served from this highway. There are also four shared drives shown.

7.22 All these dwellings, with some individual variations have been built by Postland Developments either in the South Holland or Fenland Districts. The most recent examples are found under construction now in Moulton Chapel.

7.23 The design approach to the dwellings has changed since the original submission and would now provide bungalows, two storey semi-detached and detached dwellings sitting within garden curtilages, with sufficient parking on curtilage to accord with the policies of the SELLP. The developer has chosen to amend the original layout rather than to redesign the scheme entirely, and on balance it is considered that the principle of the layout is adequate.

7.24 A footpath is shown to link the development to Gallery Walk.

7.25 The scheme is shown to have refuse collection from dwelling frontages, as the road is now proposed to be adopted.

7.26 An overview of the form of the attenuation basin has been provided and further detailing and fencing of the attenuation basin is a matter to be considered; the details could be sought and controlled by condition. Similarly, for reasons of privacy and to avoid future unacceptable

overlooking, the permitted development rights controlling residential extensions and additions could be controlled by condition, and this is discussed further below. .

7.27 Highway safety and parking

7.28 The principle of the development of this site, being accessed from the existing road network, is accepted by the outline consent.

7.29 Many concerns raised by local residents relate to highway safety and the perceived sub-standard nature of the surrounding road network, which is predominantly single-track with a lack of footpaths. However, subject to a number of pre-commencement conditions and improvements, the LCC Highway service had no objections at outline stage. Certain conditions are appended to the outline consent requiring pre-commencement improvements to Milestone Lane between the site entrance and its junction with Crossgate Lane. This would involve the widening of the carriageway to 5m, together with the provision of a 1.8m footway, kerbing and street lighting. Furthermore, a pedestrian link from within the site to Gallery Walk to the west of the site is required and details have been submitted. This would provide an on-going footpath links from the site to the north and south.

7.30 The details of the highway and access arrangements submitted by this reserved matters application have been considered by the LCC Highway service, and the responses are set out above.

7.31 Objections have been received giving the view that Milestone Lane does not have sufficient width to be increased and to include a foot way. In response LCC Highway officers have advised that the LCC Liability for Maintenance records which show there to be sufficient highway verge on this part of Milestone Lane to allow the widening of the carriageway to 5.0 metres and the provision of a 1.8 metre wide footway, as required by Condition 11 of H14-1311-16. These works are required only on the part of Milestone Lane between the site entrance and the Crossgate Lane junction and not for the full length of Milestone Lane.

7.32 Objections regarding highway safety are noted, and it is accepted that the proposed works do not overcome concerns about the wider network in the vicinity being 'single-track'. However, in the absence of an objection from County Highways, it is not considered that there is a defendable reason for refusal on highways grounds, particularly in the context of paragraph 111 of the NPPF 2021, which states 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."

7.33 Refuse Collection

7.34 The refuse arrangements would enable the majority of the dwellings to have collection directly from the adopted highway. The location and size of the shared collection points for the private drive elements have taken in to account the Council's published PRIVATE DRIVES - WASTE VEHICLE COLLECTION SERVICE - GUIDANCE NOTE, which is a material consideration.

7.35 Impact of neighbouring Residents/land users

7.36 At outline stage it was accepted that land levels across this site would increase as a result of residential development and the need for drainage and highway works. The increases in land levels have been submitted and sections in key locations submitted.

7.37 The existing dwellings within this locale and with boundaries to this site have private garden areas, and this development attempts to provide as far as it possible a garden to garden relationship. With regard to dwelling-to-dwelling separation distances, SHDC does not have recommended separation standards. As assessment has been made of the separation distances and relationships between existing and proposed dwellings and on balance it is considered that the relationships are adequate.

7.38 Looking at impacts upon specific dwellings. Plots 1 and 2, which would be either side of the

access road, are proposed to be located side by side with No.50 and No.62 Milestone Lane. Plot 1 is proposed to be a chalet form of detached dwelling, with the garage set away from the boundary with No.50 Milestone Lane. No.50 is a recent dwelling and has side windows serving a living/habitable room, facing towards the side boundary fence, and a sunroom on the rear elevation. Plot 1 has been revised to reduce as far as possible the impacts upon No.50, and it is considered on balance that the arrangement is acceptable ,and would not give rise to an unacceptable level of loss of light. The side windows to No.50 have a restricted view as a result of the side fence, and sections have been provided to illustrate that an unacceptable relationship with the dwelling or garage of plot 1 would be caused. The levels to plot 1 could be specifically controlled, as sections have been provided. It is considered that on balance the relationship of the development to adjoining properties would be acceptable and could accord with the provision of Polices 2 and 3 of the SELLP in this regard.

7.39 Plot 2 is proposed to be located adjacent to No.62 Milestone Lane, which is a mature bungalow with a garage/outbuilding to the side. It is considered that the siting and orientation of the chalet dwelling on Plot 2 would not give rise to an unacceptable level of overlooking or loss of light. It is considered that the relationship proposed would be acceptable. It is considered that on balance the relationship of the development to adjoining properties could be acceptable and would accord with the provision of Polices 2 and 3 of the SELLP in this regard

7.40 No.52 Crossgate Lane, an established two storey detached dwelling, has a number of mature trees within the curtilage, close to the boundary of this site. As a result a tree assessment has been submitted and this is discussed below. It is considered that the separation distances of Plots 3, 5 and 6 with No.52 Crossgate Lane are acceptable. It is considered that the relationship of the development to adjoining properties would be acceptable and could accord with the provision of Polices 2 and 3 of the SELLP in this regard.

Plots 6, 7, 8, 9, 10, 11, 12 and 13 are separated from dwellings in Meadow Close and Poachers Gate by the boundary and road way of Crossgate Lane. It is considered that the relationship of the development to adjoining properties would be acceptable and accord with the provision of Polices 2 and 3 of the SELLP in this regard.

7.41 Plots 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 are bounded by established dwellings in Crossgate Lane, The Meadows, Crossgate Crescent, and Gallery Walk. It is considered that the relationship of the development to adjoining properties would be acceptable and accord with the provision of Polices 2 and 3 of the SELLP in this regard.

7.42 Overall it is considered that on balance the relationship of the development to adjoining properties would be acceptable and would accord with the provision of Polices 2 and 3 of the SELLP in this regard, however it is recommended that further extensions and alterations to dwellings on this site are controlled via condition. It is therefore recommended that the permitted development rights for this development with regard to extensions and alterations, including windows and doors are removed, in order that uncontrolled extensions or alterations do not impact upon the amenity of adjoining residents.

7.43 Flooding concerns, Foul and Surface Water Drainage

7.44 The site is located within Flood Zone 3 as defined by the Environment Agency (EA). A site specific Flood Risk Assessment (FRA) was submitted to support the outline application. This provided commentary on the Sequential Test, which the application was deemed to be passed in line with the up to date guidance of the time.

7.45 On the basis of the submitted information the finished floor levels would vary across the site between 500mm and 1m above existing ground levels.

7.46 A significant level of objection has been received relating to the existing flooding and drainage arrangements for the locale and the possibility of flooding of this site and of adjoining dwellings as a result of this development and in the light of recent flooding events in the immediate locale. As a result, LCC as Lead Flood Authority have been consulted several times on this application, and the level of public objection and specific issues regarding flooding raised with the LCC officers. Amendments have also been sought and received to revise the road surfacing and drainage strategy. It is intended that surface water will leave the site either via the central Green (a generally shallow basin) or directly towards the drain and culvert at Gallery Walk which will

be cleared out. The responses of LCC are set out above.

7.47 Objections have been received accompanied by photographs of recent flooding in the area. The objections and photographs were forwarded to LCC for comment, as Lead Flood Authority. The response from the LCC service in August of this years is as follows: *" Unfortunately, the images shown on the neighbour's photographs will be typical of many similar situations throughout the country.*

It was widely broadcast in the news media that the ground, which has been parched for many weeks without any rainfall, would not be able to absorb the sudden and concentrated rainstorms that have occurred during the past few hours and surface water would therefore be likely to rapidly run over the ground, into adjacent watercourses or gather locally in lower lying areas. That is what is shown on the photographs, rather than being evidence of a systemic drainage problem in the vicinity of the Application site.

The watercourse along Milestone Lane, shown on the photographs, was identified at the outset by the Internal Drainage Board and myself as being unsuitable to provide an outfall for the proposed development and that is why the amended drainage system for the development is now proposed to outfall further downstream, where water is able to get into the IDB's system. An engineered drainage system with a central balancing lagoon within the proposed development will collect and store water from heavier storm events, such as that of the past few hours, so that flood risk to both the site and surrounding land and property will be reduced."

7.48 Given the responses of LCC as Lead Flood Authority it is not considered that it would be reasonable to refuse this reserved matters application on the basis of the information provided for reasons relating to flooding or the treatment of surface water.

7.49 It is intended that a foul water system be provided to discharge in to an existing public sewer in the south eastern point of the site. The responses of Anglian Water and the Internal Drainage Board are set out above. Any links to or improvements to existing facilities would require separate licencing from the relevant body.

7.50 Landscape Impact and Impact on trees

7.51 The site is located within the countryside and has value as a visual stop to the settlement, however outline consent has been granted for the development of this site and the change of the site from agricultural land to a residential development, with the associated loss of open form has been accepted in principle. The application is supported by a Tree Impact Assessment, Landscaping proposals. A Landscape Management Plan also contains a Hedge Management Plan for the present perimeter hedges.

7.52 It is proposed to retain as far as possible existing hedges the site boundaries and these are shown within the management plan. This can be controlled by condition. Trees on adjoining land have been surveyed and taken in to account in the revised submissions.

7.53 It is considered that the landscape proposals would be acceptable and would be appropriate to this site and location, being on the edge of the settlement.

7.54 Contaminated Land

7.55 An informative is recommended that if contaminants are found at any point during construction, that the SHDC Environmental Protection Team are contacted.

7.56 Biodiversity

7.57 The landscaping proposals indicate planting proposals and the retention of existing hedging is to be secured by condition. In addition requiring Swift boxes is also proposed.

7.58 Concern has been raised regarding impact upon wildlife and in particular bats. A condition included within the outline consent to require a survey to be submitted at the reserved matters

stage to ensure appropriate mitigation measures are undertaken. A protected species report (which held as a confidential document) has been submitted and mitigation suggested. This is to be controlled by condition to ensure compliance.

7.59 Developer Contributions and Affordable Housing

7.60 Objections relating to the provision, and strain on existing, infrastructure (utilities, services and facilities) are noted. However, there were no objections from infrastructure providers at the time of the outline consent, and the responses to certain providers such as Anglian Water are set out above. At the time of the consideration of the outline scheme no requests for NHS or education contributions were requested, and thus not included within the S106 legal agreement.

7.61 Policy 18 of the Local Plan requires the provision of about 25% affordable housing on-site on market schemes in South Holland where developer contributions can be sought. In addition, Policy 6 states that developer contributions will be sought that relate to the provision of education and health facilities.

7.62 The outline consent is subject to delivering a 34% affordable housing units (13), which accorded with the planning policy for affordable housing at that time. The SELLP sets out policy requirements of up to 25% affordable housing, and this is discussed at length in the Strategic Housing comments above.

7.63 It is considered that the level of provision now offered by this application would be in accordance with Policy 18 of the SELLP, and it is recommended that s Deed of Variation is put in place to reflect the revised provision.

7.64 Other material considerations

7.65 Objections relating to the provision, and strain on existing, infrastructure (utilities, services and facilities) are noted. However, there were no objections from infrastructure providers at the outline stage, and no financial contributions requested at that time.

7.66 Objections have been raised that not all "reserved matters" have been addressed, however the list of issues quoted are condition requirements appended to the outline consent, and not reserved matters. It is normal for details pursuant to conditions to be submitted once a reserved matters consent has been achieved.

7.67 An objection has been received that the potential development did not come up on searches, suggesting a lack of transparency. It is to be noted that the outline consent has been in place for several years and in the public realm.

7.68 An objection has been received that elderly persons without access to the internet have not been consulted. As set out above, this application has been advertised in the local press and site notices displayed. In addition, internal and external bodies and individuals have been consulted by individual letter and email. The Local Planning Authority accepts representations in writing; whether by hand or word processed; by email and via the Council's website. These methods are part and parcel of the custom and practice of the Local Planning Authority and set out within the SHDC Statement of Community Involvement and are considered to be reasonable.

7.69 Planning Balance

7.70 Section 38 (6) 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.

7.71 The principle of residential development of this site has already been established by virtue of the outline consent granted. In the light of the matters set out above, it is considered that the Reserved Matters application was submitted within time and correctly.

7.72 It is not considered that the proposal would materially harm the character or appearance of the locality or amenity of nearby residents. The highway arrangements would be acceptable and accord with the provisions of the outline consent. The development would not have such an impact on highway safety in and around the site or the wider locale. Flood risk and affordable housing/developer contribution matters are considered to have been appropriately addressed. Landscaping, biodiversity and impacts upon trees and the hedging of the site have been appropriately addressed. Notwithstanding the concerns that have been raised set out above, it is not considered that there is a justifiable reason to withhold permission on these grounds.

7.73 In light of the above considerations, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 6, 10, 11, 17, 18, 19, 28, 30, 31, 32, 36 and Appendices 6, 8, and 9 of the South East Lincolnshire Local Plan (2019), as well as guidance in the National Planning Policy Framework (2021).

7.74 Overall, it is considered that the planning balance is in favour of the proposal.

7.75 Conclusion

7.76 As set out above, in light of the above considerations, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 6, 10, 11, 17, 18, 19, 28, 30, 31, 32, 36 and Appendices 6, 8, and 9 of the South East Lincolnshire Local Plan (2019), as well as guidance in the National Planning Policy Framework (2021).

7.77 **Additional Considerations**

7.78 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.

7.79 Human Rights

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

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

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

8.0 RECOMMENDATIONS

8.1 **Approve this Reserved Matters application subject to those conditions listed at Section 9.0 of this report and a Deed of Variation to the existing S106 Legal Agreement to ensure delivery of the affordable housing set out above.**

9.0 CONDITIONS

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

Application Form
Site Location Plan
Planning Design and Access Statement (Revised 28.04.2022)
Protected Species Report. HELEN SCARBOROUGH. OCTOBER 2021
Tree Impact Assessment Prepared by East Midlands Tree Surveys Ltd Dated 26 August 2022
East Midland Tree Surveys Ltd. Arboricultural Impact Assessment dated 26.8.22
East Midland Tree Surveys Ltd. BS5837:2012 - Trees in relation to design, demolition and construction. Tree Constraints Report dated 19.07.21
Landscaping Maintenance Plan
MLP/22/01.A. Planting Plan
Causeway. 21027 - SW Calculations. 13/09/2022
21027-1000 P6. Drainage Strategy
243.D.01E. Site Layout
243.D.14C. Site Layout Plan - Brick and Roof Tile Materials
Facing Materials and Roof Tiles dated 5.10.22 (including drawing no. 243.D.14C)
21027-012 P7. Proposed Private Footpath
21027-014 P2. Pond Section Detail
243.D.15C. Site Section AA & Site Section BB.
243.D.16B. Block Plan Plot 1, Site Section CC & Site Section DD
243.D.04A. Plots 5, 6, 7, 8, 25 & 26 - The Chester - Floor Plans & Elevations
243.D.05A. Plots 9, 10 & 12 - The Willoughby 2 bed option - Floor Plans & Elevations
243.D.05B. Plot 11 - The Willoughby 3 bed option - Floor Plans & Elevations
243.D.06A. Plots 1, 2 & 24 - The James - Floor Plans & Elevations
243.D.07A. Plots 13, 14, 15, 20 & 23 - The Eaton - Floor Plan & Elevation.
243.D.08A. Plots 4 & 35 - The Yorke - Floor Plans & Elevations.
243.D.09A. Plots 16, 17, 18, 19, 21 & 22 - The Fulton - Floor Plans & Elevations
243.D.10A. Plots 27 & 34 - The Ashton - Floor Plans & Elevations
243.D.11A. Plots 29 & 30 - The Stanton 1 bed option - Floor Plans & Elevations
Plots 28, 31, 32, 33 - The Stanton - Floor Plans & Elevations. 243.D.11B
243.D.12B. Double Garage & Single Garage - Plans & Elevations
21027-013 P6. Off Site Works - General Arrangement

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

2. 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.

3. 3 swift nest bricks shall be incorporated within the external walls of each two storey 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.

4. The landscaping and biodiversity measures proposed by this application shall be undertaken in accordance with the details and recommendations of the Protected Species Report. HELEN SCARBOROUGH. OCTOBER 2021, Tree Impact Assessment Prepared by East Midlands Tree Surveys Ltd Dated 26 August 2022, East Midland Tree Surveys Ltd. Arboricultural Impact Assessment dated 26.8.22,
East Midland Tree Surveys Ltd. BS5837:2012 - Trees in relation to design, demolition and construction. Tree Constraints Report dated 19.07.21, Landscaping Maintenance Plan and MLP/22/01.A. Planting Plan 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.

5. The development shall be undertaken in accordance with the levels details approved, specifically in accordance with 243.D.01E. Site Layout, 21027-014 P2. Pond Section Detail, 243.D.15C. Site Section AA & Site Section BB, 243.D.16B. Block Plan Plot 1, Site Section CC & Site Section DD, 21027-013 P6. Off Site Works - General Arrangement and 21027-1000 P6. Drainage Strategy.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding. In addition, to ensure that the impact of the development on the amenity of adjoining residents is minimised.
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.

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

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

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity, levels of residential amenity 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.

7. 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), no walls, fences or other means of enclosure other than those illustrated on the plans forming part of the application hereby approved shall be erected on the site.

Reason: To ensure that the Local Planning Authority retains control over means of enclosure, in the interests of the appearance of the development and the visual amenity, the biodiversity of the site and character of the area within which it is set.
This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019.

8. **LCC Highways Note**

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

9. This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated 11 September 2017 and Deed of Variation dated xxxx can only be implemented as a consequence of meeting the provisions of that Agreement.

10. Should unexpected contamination be discovered on the site at any time, the applicant is advised to contact the District Council's Environmental Protection department immediately.

11. 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

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Background papers:- Planning Application Working File

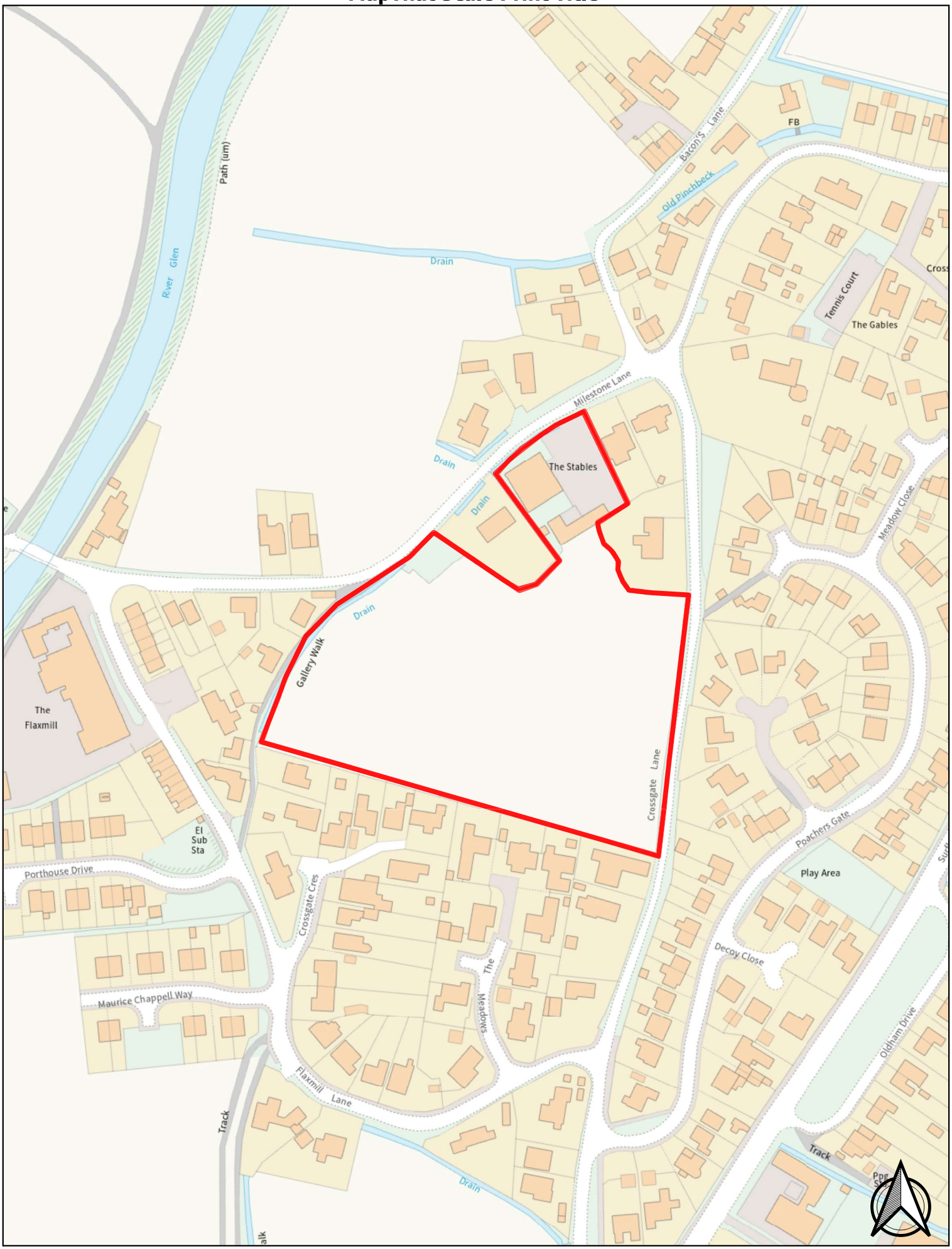
Lead Contact Officer

Name and Post:	Richard Fidler , Development Manager
Telephone Number:	01775 764428
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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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MAP SCALE 1:2000
CREATED DATE: 14/12/2022
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