DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0350-25**	**Applicant:**	**Postland Developments Ltd**
Proposal:	Details of site & floor levels, boundary treatments & foul & surface water disposal (Conditions 5, 6 & 7 of H14-0328-21)		
Location:	The Burrells Land South Of Milestone Lane Pinchbeck		
Terminal Date:	17th July 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
30	Pollution

National Guidance

National Planning Policy Framework December 2024

Section 2: Achieving Sustainable Development
Section 12: Achieving Well-designed Places
Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Reserved matters approval was granted in September 2024 under application reference H14-0328-21 for the construction of 35 dwellings. This application seeks approval of Condition 05, 06 and 07 of application H14-0328-21. Condition 05 requires the submission and approval of details of existing and proposed site levels and proposed floor levels of buildings before the commencement of development. Condition 06 requires the submission and approval of details of the proposed boundary treatment including a schedule of fencing levels and heights and details of the size and species of any hedging prior to their installation. Condition 07 requires the submission and approval of details of the means of foul and surface water disposal.

Site Description

The site relates to a 1.87hectare site previously used as a vehicle repair workshop, stables and paddock. The site is outside the settlement boundary of Pinchbeck but adjoins the development limit along three boundaries.

History

H14-1311-16: Outline application for residential development (limited to no more than 38 dwellings) with S106 for developer contributions. Approved 11.09.2017.

H14-0328-21: Reserved matters approval for the residential development of 35 dwellings and associated works-outline approval H14-1311-16 and consideration of Condition 03,05 and 15 of H14-1311-16. Approved 25.09.2024.

Consultation Responses

Pinchbeck Parish Council

No comment to make.

Anglian Water

The foul water strategy is acceptable and recommend part discharge of Condition 07. The surface water strategy is not relevant to Anglian Water and have no comment to make.

Welland and Deepings IDB

Advise the proposed discharge of surface water will require an application for consent to discharge surface water submitted to the Board.

Highway and Lead Local Flood Authority: 02.05.2025

Recommend refusal. Unable to discharge the conditions until full details of the S38 Agreement are submitted and approved.

Highway and Lead Local Flood Authority: 02.07.2025

No objection.

Planning Considerations

Condition 05 Wording

Notwithstanding the submitted details, before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Note: Site levels and finished floor levels have not been approved. 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 to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place, with a specific need for cross-sectional drawings showing the resultant relationship along the southern boundary and to No. 50 Milestone Lane.

The reason for the condition is:

To ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent 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 Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

Condition 05 Detail

The impact of the proposed development on the amenity of the occupants of existing dwellings adjacent to and bounding the site has been assessed as part of the application process, in terms of overlooking, loss of light or creating any overbearing or enclosing impact. The layout of the development, including the fenestration detail, has therefore been approved and cannot be amended under this discharge of condition application.

Condition 05 requires the submission of further details in the form of site levels and finished floor levels of the proposed dwellings relative to those existing. In the event that it is concluded there are significant difference in levels identified, mitigation would be required.

Several cross sections have been provided, showing the relationship of the proposed residential units along the southern boundary of the site to existing properties and the relationship of plot 1 to no.50 Milestone Lane, as required under the terms of the condition. The cross sections show the Ground Level (GL) Slab Level (SL) and Finished Floor Level (FFL) of the proposed dwellings along with the GL of the existing houses. All measurements are shown as AOD. Taking these site level section detail in turn:

Plot 13 and No.32 Crossgate Lane

The existing GL of no.32 Crossgate Lane is 3.560m, the proposed GL of Plot 13 will be lower at 3.390m. The SL of Plot 13 will be 4.050m with the FFL at 4.200m. There will be an overall difference in height above FFL between the properties of 0.64m. Given that there is a separation distance of just over 15m between the rear windows of Plot 13 and no.32 Crossgate Lane along with an established hedge along the boundary, these site levels are considered acceptable.

Plot 14 and No.32 Crossgate Lane

The existing GL of no.32 Crossgate Lane is 3.560m, the proposed GL of Plo14 is 3.390m, with a SL of 4.000m and a FFL of 4.150m. There will be an overall difference in height above FFL between the properties of 0.59m. There is a separation distance of 15.6m between the rear elevation of Plot 14 and the rear elevation of no.32 Crossgate Lane, given this level of separation the FFL of Plot 14 is considered acceptable.

Plot 15 and No.6 The Meadows

The existing GL of no.6 The Meadows is 3.720m, the proposed GL of Plot 15 is 3.610m, with a SL of 4.000m and a FFL of 4.150m. The will be an overall difference in height above FFL between the properties of 0.43m. Given that there is just over 23metres between the rear elevation of Plot 15 and no.6 The Meadows, the resulting site levels are considered acceptable.

Plot 16 and No. 5 The Meadows

The existing GL of no. 5 The Meadows is 3.880m, the proposed GL of Plot 16 is 3.600m, with a SL of 4.000m and FFL of 4.150m. Given there is a separation distance of 23metres between the rear elevation of Plot 16 and No. 5 The Meadows, the difference between the GL of no. 5 The Meadows and FFL of Plot 16 of 0.27m is considered acceptable.

Plot 17 and No. 4 The Meadows

The existing GL of no.4 The Meadows is 3.800m. The proposed GL of Plot 17 is 3.500m, with a SL of 4.000m and FFL of 4.150m. The difference of 0.35m between the FFL of Plot 17 and GL of no.4 The Meadows is considered acceptable given also there is just over 24m between the rear elevations of the dwellings.

Plot 18 and No. 4 The Meadows

The existing GL of no.4 The Meadows is 3.800m. The proposed GL of Plot 18 will be 3.530m, with a SL of 3.950m and FFL of 4.100m. There will be a difference in levels between the GL of no.4 The Meadows and FFL of Plot 18 of 0.57m, these site levels are considered acceptable given there will be a separation distance of 21m between the rear elevations of the two dwellings.

Plot 19 and No. 5 Crossgate Crescent

No. 5 Crossgate Crescent has an existing GL of 3.810m. The proposed GL of Plot 19 will be 3.530m, with a SL of 3.950m and FFL of 4.100m. There will be 16m between the rear elevation of these dwellings and in the context the difference in level of 0.29m between the GL of no. 5 Crossgate Crescent and the FFL of Plot 19 is considered acceptable.

Plot 20 and No. 6 Crossgate Crescent

The existing GL of no. 6 Crossgate Crescent is 3.840m. The proposed GL of Plot 20 will be 3.620m, with a SL of 3.850m and FFL of 4.000m. There will be a difference of 0.16m between the GL of no.6 Crossgate Crescent and the FFL of Plot 20. As there is 14m between the rear elevations of the properties and given also that much of the rear elevation of no.6 Crossgate Crescent will face the proposed garages serving Plot 20 and 21, this difference in levels is considered acceptable.

Plot 21 and No. 7 Crossgate Crescent

The existing GL of no. 7 Crossgate Crescent is 3.730m. The proposed GL of Plot 21 will be 3.360m, with a SL of 3.750m and FFL of 3.900m. There will be a separate distance of over 25m between the rear elevations of the dwellings and in this regard the difference of 0.17m between the GL of no. 7 Crossgate Crescent and FFL of Plot 21 is considered acceptable.

Plot 22 and No. 8 Crossgate Crescent

The existing GL of no.8 Crossgate Crescent is 3.730m. The proposed GL of Plot 22 will be 3.400m, with a SL of 3.750m and FFL of 3.900m. There will be a site level difference of 0.17m between the GL of no.8 Crossgate Crescent and the FFL of Plot 22, given that there will be over 29m between the rear elevations of the dwellings these site levels are considered acceptable.

Plot 23 and No. 69 Gallery Walk

The existing GL of no.69 Gallery Walk is 3.720m. The proposed GL of Plot 23 will be 3.430m, with a SL of 3.7m and FFL of 3.850m. There will be a separation distance of over 19metres between the rear elevations of the dwellings and in this context the difference in site level of 0.13m between the GL of no.69 Gallery Walk and the FFL of Plot 23 is considered acceptable.

Plot 24 and No. 69 Gallery Walk

The existing GL of no.69 Gallery Walk is 3.720m. The proposed GL of Plot 24 will be 3.610m, with a SL of 3.700m and FFL of 3.850m. There will be a difference in level of 0.13m between the GL of no. 69 Gallery Walk and the FFL of Plot 24, as there will be a separation distance of over 12metres between the two properties the site levels are considered acceptable.

Plot 5 and No. 52 Crossgate Lane

The existing GL of no. 52 Crossgate Lane is 3.540m. The proposed GL of Plot 5 will be 3.320m, with a SL of 3.4m and FFL of 4.150m. There is over 25metres between the rear elevations of the dwellings and in this context the difference in site level of 0.61m between the GL of no.52 Crossgate Lane and FFL of Plot 5 is considered acceptable.

Plot 1 and No. 50 Milestone Lane

The sections initially submitted as part of this application to discharge Condition 05, showing the relationship of Plot 1 to no.50 Milestone Lane, were those forming part of application reference H14-0328-21. In considering application H14-0328-21 Members requested that all drawings showing any section were excluded from the approved plans. The agent was therefore requested to submit revised sections following the format of those provided for all other plots.

Amended sections have been received. These show the existing GL of no.50 Milestone Lane to be 3.650m. The proposed SL of Plot 1 will be 3.750m with a FFL of 3.800m. The difference in site level between the GL of no.50 Milestone Lane and the FFL of Plot 1 will be 0.15m. No. 50 Milestone Lane has two windows serving habitable rooms at ground floor level in the side elevation facing Plot 1, there will be a separation distance of between 12m and 13m from these windows to the side of Plot 1. Given this separation distance the difference in level of 0.15m between the GL of no.50 Milestone Lane and FFL of Plot 1 is considered acceptable.

It is acknowledged that no. 50 Milestone Lane has windows at ground and first floor level in the rear elevation, however, the relationship of Plot 1 to these windows and the amenity of no. 50 Milestone Lane were assessed and considered under application H14-0328-21. As the resulting site level of Plot 1 in relation to no.50 Milestone Lane is acceptable no mitigation is required.

Condition 06 Wording

Notwithstanding the submitted details, 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. The details shall take account of the proposed site levels and finished floor levels as required by Condition 5 of this permission. 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 to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

The reason for the condition is:

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

Condition 06 Detail

The boundary treatment to the rear of properties is to comprise 1.8metre high close boarded fencing, the detail design of which has been submitted and is considered acceptable. Where hedging exists to the boundaries, this it to be retained with Weldmesh fencing used for protection and security, this will be used adjacent to the public highways of Gallery Walk and Crossgate, details of the design of the Weldmesh have been provided, which given their open appearance are considered visually appropriate and acceptable.

Where site levels and cross-sections have been provided in accordance with the terms of Condition 05, there show the height of the boundary treatment. To the south of the site existing hedging is to be retained with Weld Mesh fencing for support. An existing 1.8metre high close boarded fence is to be retained along the boundary with no.50 Milestone Lane.

Condition 07 Wording

Notwithstanding the submitted details, before the commencement of the development beyond oversite, full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

The reason for the condition is:

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, December 2023.

Condition 07 Detail

Anglian Water has advised the foul drainage strategy submitted is acceptable. Welland and Deepings IDB advise the proposed discharge of surface water requires an application being submitted to the Board which is subject to the agreement of technical details and payment of a fee.

The agent has advised this matter is to be concurrently addressed once the S38 highways submission is complete and further states the IDB are content with the applicant's broad approach.

Other Matters

Drawing Number 2101-013-P11 (Off Site Works-General Arrangement) has been submitted as part of this application. The relevance of this to the discharge of conditions 05, 06 and 07 was questioned with the agent who has confirmed it should not be considered as part of this application.

Conclusion

The submitted details are considered acceptable.

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.

Recommendation

Conditions 05, 06 and 07 of application reference H14-0328-21 are discharged.