

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Development Manager

**To:** Planning Committee - 19 December 2018

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

**Purpose:** To consider Planning Application H01-0871-18

**Application Number:** H01-0871-18

**Date Received:** 23 August 2018

**Application Type:** OUTLINE

**Description:** Residential development - up to 45 dwellings, including re-alignment of Mill Drove to Stonegate Road junction

**Location:** Former Station Yard & Croft House Nursery Mill Drove South Cowbit

**Applicant:** Messrs N & D Bacon & Mr B M Drury **Agent:** Templeman Design

**Ward:** Cowbit, Weston and Moulton **Ward Councillors:** Cllr R Grocock  
Cllr A Casson  
Cllr A R Woolf

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

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H01-0871-18>

### **1.0 REASON FOR COMMITTEE CONSIDERATION**

1.1 This application raises a number of policy and other matters that are worth Committee consideration.

### **2.0 PROPOSAL**

2.1 Outline application for the development of 2 sites for a residential development of up to 45 dwellings, including the re-alignment of the Mill Drove South to Stonegate Road junction, to achieve improved visibility splays at the request of Lincolnshire County Highways.

2.2 The proposal is presented as

- An indicative layout indicating the construction of 44 residential units, at a density of between 20-25 dwellings per hectare in accordance with the local surrounding densities (dph)
- A Realigned Junction from Mill Drove South onto Stonegate
- Access from Mill Drove South into the Station Yard and Croft House Nursery
- Open space and landscaping
- 25% Affordable housing supply
- An adoptable sustainable surface water drainage scheme
- An adoptable foul water drainage scheme
- Adopted roads and footpaths

### **3.0 SITE DESCRIPTION**

- 3.1 This application is in outline for planning permission on a combined site area of 1.8 hectares. Some of that area accounts for the realignment of the road junction, and the developable area is 1.7 hectares.
- 3.2 The sites are divided by Mill Drove South, and are both brownfield land. Croft House Nursery is outside the settlement boundary of Cowbit and the Former Station Yard element of this application is within the defined settlement boundary. 75% of the application site falls within flood zones 1 & 2, with 25% being in flood zone 3.
- 3.3 The site is covered by 4 flooding hazard classifications - no hazard, low hazard, danger for some and danger for most. The eastern part is mostly no hazard. In terms of depth, it is up to 1m at the north of the land to the west of Mill Drove, but it is mostly 0.5m or less across the rest.
- 3.4 Croft House Nursery Site is near redundant and the yard is sparingly used, becoming more of a storage facility for wooden tonne boxes by the owners, who are primarily based at Holbeach St John's. The yard has also been used for temporary workers accommodation for several years during harvest seasons. Croft House Nursery consists of a range of buildings, both masonry and steel framed and an area of glasshouses.
- 3.5 Croft House Nursery is enclosed along the majority of its boundaries by mature hedging, with exception of the north west corner and the existing accesses. There are 2 accesses from Mill Drove South both currently unused, and one from Moulton Chapel Road. Hedgerows are along the side of both roads. There is a residential property to the east, and some farm buildings half way across the northern boundary. There is an arable field beyond the remainder of the northern boundary behind high conifers.
- 3.6 The Station Yard site has been unused for many years. The Goods Shed still sits in the centre of the site with the remainder of areas generally covered in brambles and overgrowth. The site has a long frontage to Mill Drove South, and continues north behind residential properties, eventually abutting a Nursery site. There are mature trees to the North Eastern part of the site. Along the western boundary is a small strip of wasteland incorporating a farm track, possibly some old railway sidings. This is backed by a mature hedgerow and beyond are deep gardens to residential properties fronting Stonegate. To the south of the site are a handful of residential dwellings, predominantly bungalows, and an old railway gate house.

## 4.0 RELEVANT PLANNING POLICIES

### 4.1 The Development Plan

#### South Holland District Local Plan, July 2006

The South Holland Local Plan 2006 was formally adopted on 18 July 2006. Following a direction from the Government Office for the East Midlands under paragraph 1(3) of Schedule 18 to the Planning and Compulsory Purchase Act 2004, as of 18 July 2009 only certain Local Plan policies have been extended and continue to form part of the development plan. In the context of those saved policies referred to below, it is considered that the Local Plan was adopted in general accordance with the Planning and Compulsory Purchase Act 2004 (albeit under the transitional arrangements). Those policies referred to below are considered to accord with the thrust of guidance set out in the National Planning Policy Framework, and in the context of paragraph 215 of the NPPF should therefore continue to be given substantial weight in the decision making process.

HS7 New Housing in the Open Countryside including Other Rural Settlements

SG1 General Sustainable Development

SG2 Distribution of Development

SG3 Settlement Hierarchy

SG4 Development in the Countryside

SG11 Sustainable Urban Drainage Systems (SUDS)

SG12 Sewerage and Development

SG13 Pollution and Contamination

SG14 Design and Layout of New Development

SG15 New Development: Facilities for Road Users, Pedestrians and Cyclists

SG16 Parking Standards in New Development

SG17 Protection of Residential Amenity  
SG18 Landscaping of New Development

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.

#### 4.2 National Guidance

##### National Planning Policy Framework (NPPF), 2018

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

##### Planning Practice Guidance

#### 5.0 **RELEVANT PLANNING HISTORY**

5.1 No history on the sites relevant to this planning application however there are recent applications on adjoining land which are of note:

H01-0759-18 68 Stonegate Residential development (3 dwellings) Approved 20-09-18.

H01-0035-17 Land south: Moulton Chapel Road. Proposed residential development of up to 17 dwellings. Approved 17-07-17.

H01-0924-18 Land South: Moulton Chapel Road. Development of 32 affordable dwellings. Undetermined.

#### 6.0 **REPRESENTATIONS**

6.1 SHDC Ward Member - Cllr A R Woolf

This new application will add burden to the ever increasing village of Cowbit. Whilst I must remain impartial, I do support the Parish Councils request for a section 106 agreement for £51,000 developer contribution which would be used for road safety and infrastructure purposes. Request to be determined at Committee.

6.2 Cowbit Parish Council

- The village post office is a mobile service operating out of the village hall for two hours on a Tuesday and Thursday.
- Would expect that open space areas to remain so and not for additional housing and these areas of POS are maintained by the developer and the responsibility does not fall to the PC.
- Would hope that residents beyond the railway house have been consulted alongside the proposed development site for accessibility.
- There is a requirement for suitable footpaths with disability dropped pavements, street lighting and consideration of a bus stop.
- Would also ask that prior to any consent be made that the applicant consults with the local school / Lincolnshire Education Authority to ensure there is sufficient school places for the next five new school years.
- In terms of the old building that consent is not given until confirmation that the Building is not listed and that a full habitat survey is undertaken and the removal of bats is accordance with the relevant guidelines and appropriate times of the year.
- The consent should be as the application, with the new road layout undertaken with the site plan.

- Important that the site identified is not sold in two lots.
- Drainage to be considered.
- Request that a further traffic assessment is undertaken to ensure village safety.
- Increasingly concerned with the number of housing properties and the lack of infrastructure to cater for new residents.
- Make reference to the requirement of traffic calming and lack of infrastructure, therefore asks that the planning committee as part of the consent document require the applicant to set aside a sum of money to assist with this. PC suggests an allocation of £1,500 per property excluding the 11 for social housing £51,000.

### 6.3 SHDC Strategic Housing

Should the development be permitted the current policy requires 1/3 of the development to be provided as affordable housing to meet district wide housing needs. However, given the direction of travel with the soon to be adopted emerging Local Plan, which requires 1/4 of the development to be provided as affordable housing based on viability evidence within the Whole Plan Viability study, Strategic Housing recommends that 1/4 (25%) of the development should be provided as affordable housing. The affordable contribution should be provided with a tenure split of 70% in favour of Rented and 30% Intermediate low cost home ownership dwellings.

6.4 To meet needs identified within the Strategic Housing Market Assessment (2014 & 2017 update) Strategic Housing would recommend that a mix of property types and sizes are provided for the affordable housing contribution, comprising of approximately 25% as one beds, 40% as two beds, 30% as three beds and 5% as four beds. It would be preferable for the affordable housing to be secured through a s106 agreement.

6.5 The S106 agreement should include an agreed affordable housing scheme detailing the tenure split, property types and sizes, plot numbers, internal floor areas, design standards and the phasing of the affordable housing units, although I appreciate the detail may not be known at outline application stage. It would be preferable for the homes to be built to the 'National Space Standards'.

6.6 As a minimum the affordable homes should be built to the former Housing Corporation Design and Quality standards which for this development would be at least: 1 beds 2 person 45sqm 2 beds 4 person 67sqm 3 bed 5 person 82sqm 4 bed 6 person 95sqm. Ideally the affordable housing should be spread proportionately across the scheme to enable a mixed and sustainable community.

6.7 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 Strategic Housing Market Assessment also identifies a recommended mix for market housing to meet current and projected housing needs in the district.

6.8 The recommendation is as follows: 1 bedrooms- 5%, 2 bedrooms- 35%, 3 bedrooms- 45% and 4 bedrooms- 15%. We would expect the market housing to broadly reflect this.

### 6.9 SHDC Environmental Protection

Due to the past use as railway land, including sidings and a goods yard, and a nursery, request the full land contamination condition at this location.

### 6.10 SHDC Environmental Services

As all access roadways to all residential properties appear to be constructed to an adoptable standard under an agreement with Lincolnshire County Council so that they will become public highways this will enable refuse/recycling collections to be carried out from outside individual properties without the need for communal collection points. This is very much our preferred option for new developments.

### 6.11 LCC Highways and SUDS

No objection to the development subject to the imposition of conditions to ensure that the highway improvement works are undertaken and that no part of the development directly accessed from Mill Drove South is commenced before these works are completed.

6.12 Also, when reserved matters are submitted the details are to show the provision of a 1.8m wide footway to serve all dwellings that have access on to Moulton Chapel Road. The footway to be completed to certain standards.

6.13 Suggest conditions that have been discussed with the Council's Legal Services and are set out below.

6.14 LCC Education

No objection subject to a S106 to ensure education contribution. Request towards Weston Hills Primary School rather than Cowbit Primary School as the latter cannot be expanded owing to site restrictions.

6.15 The level of contribution sought in this case is in line with the below table.

TypePlaces to be mitigated

Primary Places	9	£101,487
SecondaryPlaces	0	
Sixth-form Places	0	
Multiplier	0.92	
Total		£101,487

\*current cost multiplier per pupil place based on National Cost Survey

\*\*to reduce cost and to reflect Lincolnshire's lower than average build cost compared to national average

6.16 Please note the County Council retains the statutory duty to ensure sufficiency of school places and this includes capital funding provision of sufficient places at maintained schools, academies and free schools. We would invest the funding at the most appropriate local school(s) regardless of their status, but ensure the s.106 funding is used only to add capacity as this is the only purpose for which it is requested.

6.17 LCC Historic Environment Officer/Archaeology

6.18 BELOW GROUND ARCHAEOLOGY

Following the submission of a detailed desk-based assessment and discussions with the applicant's agents, recommends that no archaeological evaluation be required prior to determination.

6.19 Cowbit has produced evidence for extensive Iron Age and Roman settlement, focused east of the medieval village core. Archaeological fieldwork in advance of the construction of the A16 bypass revealed evidence of Roman settlement and salt working near the junction with Moulton Chapel Road around 100m from the proposed development. The field south of Croft House Nurseries has recently been subject to archaeological evaluation associated with an application for residential development (H01-0035-17) which revealed that this Roman settlement also extended into this area. It is therefore highly likely that similar remains could exist on the Croft House Nurseries component of the proposed development, which would be destroyed during groundworks. However, engineering associated with the creation of the railway is likely to have destroyed any evidence for similar remains on the western development area.

6.20 It is understood that the site west of Mill Drove South is unlikely to preserve archaeological remains because of the heavy ground impact caused by the construction and use of the railway, but in the eastern portion of the site remains of Iron Age and Roman date is moderate to high.

6.21 It is recommended that the developer be required to commission a Scheme of Archaeological Works.

- 6.22 It is also recommended that additional conditions be added to require historic building recording to be completed and approved by the local planning authority prior to any demolition or conversion on the site west of Mill Drove South. This is in order to ensure that the historic goods shed is recorded. If this was a full application, I would be arguing very strongly against demolishing it as it could easily be converted and their plans use the space it vacates for anything so I can't see any justification/public benefit to outweigh its loss. This is addressed below:
- 6.23 **STANDING HISTORIC BUILDING**
- 6.24 The residential development of the former station yard would, as shown in the indicative plans, involve the demolition of a non-designated heritage asset, an attractive 19th century goods shed which forms part of the historic Cowbit station complex. This complex remains relatively well-preserved and gives this part of the village a distinct character, with a number of surviving buildings adding interest to the street scene, including the former station building, the signal box, and railway hotel (all now converted to residential) opposite the junction of Mill Drove, plus the crossing keeper's house on the north side of the junction, and a short terrace of railway cottages neighbouring the site on Mill Drove. Together these non-designated heritage assets have a greater group value.
- 6.25 The good shed itself was built in 1867 by the Great Northern Railway, and is of 'through type with two cart docks' and an attached office (the single storey projection), featuring a prominent chimney with stone decoration, as well as a variety of attractive brick detailing. The good shed is perhaps of greater significance than the passenger station to the south, as it was for the export of the area's agricultural produce that this line was constructed, and which continues to thrive as a result of the improved access to markets initially provided by the railway. Goods trains continued to call at Cowbit long after passenger services had finished into the 1980s. Whilst not Listed, the Cowbit good shed is featured in Historic England's 2016 publication 'The Railway Goods Shed and Warehouse in England'.
- 6.26 Having visited the site, the goods shed appears to be structurally in a good state of repair and it is clear that its form would easily lend itself to a 'barn style' residential conversion, without the need for large extension or new openings (other than roof lights). This office recommends that the local planning authority work with the developer to ensure that all options for the conversion and continued preservation of this non-designated heritage asset are fully explored prior to reserved matters. We would also expect the designs for redevelopment of the former station yard to consider the setting of this and other surviving station buildings, such as by respecting the orientation of the former railway line in the layout of new development, with associated benefits for sense of place.
- 6.27 In order to ensure the goods shed is recorded, whether it is to be converted or has to be demolished, it is recommended that the grant of outline permission be conditioned to require any future developer of the site to commission a Scheme of Archaeological Works for historic building recording to be completed prior to works commencing. This should be secured conditions.
- 6.28 Advise that the developer should work with the local planning authority to consider all options for the conversion and continued preservation of the goods shed as part of the designs for the development submitted at reserved matters. This is because of its significance as a non-designated heritage asset reflecting an important stage in South Holland's history of exporting agricultural produce, and its contribution to the group value of surviving converted railway buildings that give this part of Cowbit its distinctive sense of place.
- 6.29 Lincolnshire Wildlife Trust
- Support the recommendations and mitigation set out in the ecological survey and would like to see these incorporated in to the final design. In the final layout and landscape plans for the site, would like to see linkages between existing and newly created green features on site including any SuDS features and green spaces that consider native planting and sowing for biodiversity benefit.
- 6.30 South Holland Internal Drainage Board

No evidence submitted of drainage strategy being viable.  
No works within 9m of a watercourse unless consent is granted.  
Other consents would be required - Land Drainage Act 1991 and bylaws

6.31 Environment Agency

No objection subject to conditions regarding the FRA and foul water drainage

6.32 NHS

Seek contribution of £27,700 (£660x45 dwellings) to be used to co-ordinate primary and community services. To be achieved by S106 legal agreement.

6.33 English Regional Transport Association (ERTA)

Raise concerns in relation to the application. And raise objection to this development since these new dwellings will encourage more cars which will in turn increase the congestion on the local roads.

The site also appears to encroach the old trackbed of the March - Spalding railway line which ERTA wish to see re-opened.

6.34 Public

3 representations received, comment summarised as follows:

- Over development both of this area and Cowbit as a whole.
- Particular concern is new houses with direct access to the mainroad, Stonegate in close proximity to the roundabout on the new bypass.
- Great shame that the former railway goods store is to be demolished and not retained as used with a change of use for the benefit of the village.
- Another example of cramming as many houses in as possible
- Primary school is too small
- No doctor or dental services
- No hairdressers
- No community centre
- Insufficient drains
- Traffic and road quality
- Highway and pedestrian safety
- Outside the parish designated building line
- Losing employment and gaining population
- Cowbit was a nice agricultural village and is now becoming a suburban dormitory so much so that character of the area has been annihilated.

6.35 A member of the English Regional Transport Association wishes to see the application refused as it would provide development over the old trackbed of the March - Spalding railway line which ERTA wish to see re-opened.

## 7.0 MATERIAL CONSIDERATIONS

7.1 The main issues in this case are:

- Principle of the use of the land and 5 Year Housing Supply, given the location of the site partially within open countryside and the loss of Employment Land
- Highways and parking issues, in particular the highway alterations required
- Comprehensive Development
- Flood Risk
- Density of scheme in comparison to established development in the area
- Archaeology and the Historic use of the land
- S106 Contributions for housing, education and the requirements of the NHS
- Other matters

7.2 Principle of the use of the land and 5 Year Housing Supply

- 7.3 Croft House Nursery is outside the settlement boundary of Cowbit, and The Former Station Yard is within the defined settlement boundary.
- 7.4 As indicated in paragraph 47 of the National Planning Policy Framework, 2018, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.5 The site is located partially within the Cowbit Development Boundary as defined in the South Holland Local Plan, 2006 and also the South East Lincolnshire Local Plan 2011-2036 (Publication Version March 2017), and partially within open countryside. Policy HS7 of the SHLP indicates that new residential development is normally only allowed in locations within open countryside if it is proven essential to meet the needs of rural workers, or the proposal is for small scale rural exception affordable housing that complies with Local Plan Policy HS9. The proposal is not required to meet the essential needs of an agricultural or other rural worker, however the application site as a whole when developed as a comprehensive development, including the road works, would deliver 25% affordable housing.
- 7.6 Housing policies within the South Holland Local Plan are out of date and the Authority does not currently have a 5 year supply of deliverable housing land. In accordance with advice within paragraphs 10 and 11 of the Framework, where policies for determining an application are out-of-date, there is a presumption in favour of sustainable development and planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework. The three mutually dependent dimensions to sustainable development are social, economic and environmental:
- 7.7 An Economic Role - the proposal would contribute towards housing supply and future occupants may work locally and support local services and make a contribution to the local economy. There may also be employment opportunities associated with the construction, albeit in the short term.
- 7.8 The proposal would result in the loss of underused employment premises at Croft House Nursery. However, it is considered that the use of this land for housing would be an acceptable use on balance, given that the buildings on the site are largely outworn and the site is and has been underused for a number of years, as the main base of operation for the land owners is situated at Holbeach St John's.
- 7.9 A Social Role - The site adjoins the existing built-up area of Cowbit. The proposal is deliverable and would make a contribution to the supply of housing required to meet the needs of present and future generations. Also, the site is accessible to existing services and facilities within Cowbit.
- 7.10 An Environmental Role - The site is a brownfield site straddling the development boundary of Cowbit and planning permission has recently been granted for adjoining land, some of which is further from the village, for housing development. The existing land parcels adjoin residential property has been abandoned or underused for some years. The proposed dwellings would replace existing commercial buildings upon the Croft House Nursery element of the site which are of utilitarian appearance.
- 7.11 The disused good shed on the former station yard is not a listed building but its retention and reuse would be of benefit to the character of the area, and would refer back to the former use of the land, as well as complementing other railway building that have been reused in the area. The building is not however considered to be worthy of listing in its own right.
- 7.12 Taking these matters into account, it is considered that the proposal would not materially harm the existing character/appearance of the locality and would constitute an enhancement from an environmental point of view.
- 7.13 Highways and parking
- 7.14 The scheme includes the highway land that would be required for the improvements and

realignment of Mill Drove South. This junction is substandard and has very limited sight lines in either direction at present. The improvement works have been designed in conjunction with the LCC Highway Team, and would provide a safe access point for vehicles and pedestrians.

- 7.15 It is crucial that these highway works are undertaken as part of this development as a comprehensive scheme, as without the highway improvements these development proposals would not be acceptable, due to the inadequacy of this junction at present. For this reason a S106/condition is considered to be appropriate.
- 7.16 Comprehensive Development
- 7.17 Due to the importance of the highways improvement works it is considered that this development should be developed in full, albeit in phases, so that the comprehensive development is provided, rather than a piecemeal development that does not deliver the improvements and realignment of Mill Drove South.
- 7.18 For this reason the conditions relating to the formation of the access arrangements prior to occupation, as set out below, are recommended. The Council's Legal Services Team have considered the conditions and conclude that they are adequate.
- 7.19 Flood Risk
- 7.20 As part of the site is located within Flood Zone 3, consideration is to be given to safety, and the sequential test is to be applied. The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.
- 7.21 The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.
- 7.22 The site is partially located within Environment Agency Flood Zone 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies part of the site as danger for some and danger for most. The eastern part is mostly no hazard. In terms of depth, it is up to 1m at the north of the land to the west of Mill Drove, but it is mostly 0.5m or less across the rest.
- 7.23 The emerging South East Lincolnshire Local Plan has identified sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. However, given the Council's lack of a 5-year housing land supply, it could be argued that it can not currently be demonstrated that there are sufficient reasonably available sites for housing that are sequentially preferable in flood risk terms across the district. As such, one could argue that, should the site be acceptable in all other regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable sites in the emerging Local Plan.
- 7.24 In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.
- 7.25 It is accepted that the development would provide some wider sustainability benefits to the community through its ability to help meet the housing need (including affordable housing), and other benefits including generating employment during the construction period, the provision of

public open space and its proximity to a range of services and facilities.

- 7.26 The level of the eastern site is between 2.50m and 2.70m OD, and the level of Moulton Chapel Road south of this site is 3.00m OD. The Environment Agency have reviewed the submitted Flood Risk Assessment and have no objections subject to development being carried out in accordance with its recommendations. In terms of making the development safe, this would result in finished floor levels being set at 2.7m OD with demountable defences to 600mm above finished floor levels. This would be sufficient to mitigate against flood risk.
- 7.27 Given the above, it is considered reasonable to conclude that the Exceptions Test can be passed in this instance.
- 7.28 Objection has been raised regarding the capacity of drainage for the site. The County Council as Lead Local Flood Authority, Internal Drainage Board and the Environment Agency have considered this application and raise no objection subject to conditions regarding the Flood Risk Assessment and foul water drainage. Anglian Water's Planning & Equivalence Team are aware of the proposal and have raised no issues.
- 7.29 Density of scheme
- 7.30 The density of the development is proposed to be in the region of 20 to 25 dwellings per hectare. This accords with the form of existing development in the area, which is mixed in character, and the densities seen on adjacent developments recently approved.
- 7.31 It is considered that the indicative plan is able to demonstrate that up to 45 dwellings could be accommodated on these sites, however the layout and form of development is not tied to this layout and would be considered formally at the reserved matters stage.
- 7.32 Archaeology and the Historic use of the land
- 7.33 The Station Yard site has historic interest and the 19th century goods shed forms part of the historic Cowbit station complex. This complex remains relatively well-preserved and gives this part of the village a distinct character. Although not listed, the good shed would form part of the character of a development if the building were retained and converted as part of this residential scheme, however as the building is not listed it is not possible to ensure its retention except via agreement with the developer.
- 7.34 The views of the LCC Archaeology Unit are set out above, and conditions are recommended for both underground and overground study.
- 7.35 Developer Contributions via S106 legal agreement
- 7.36 This outline proposal included 25% affordable housing in accordance with the Council's emerging policies. The nature of the mix and the siting of the affordable dwellings would be discussed in detail at the reserved matters stage, however the S106 would secure the provision.
- 7.37 The LCC Education service request towards Weston Hills Primary School rather than Cowbit Primary School as the latter cannot be expanded owing to site restrictions at the Cowbit school. The level of contribution sought in this case is in line with the table above, and would result in a contribution of £101,487.
- 7.38 The NHS seek a contribution of £27,700 to be used to co-ordinate primary and community services.
- 7.39 The applicant has agreed to these contributions.
- 7.40 Cowbit Parish Council has requested that the Committee consider imposing a sum per dwelling for traffic calming and lack of infrastructure, however this is not part of any planned or costed

improvement scheme with LCC Highways, and cannot be justified at this time.

7.41 Other matters

7.42 ERTA wish to see the application refused as it would provide development over the old trackbed of the March - Spalding railway line which ERTA wish to see re-opened. As there do not seem to be any clear proposals, consents or a capital program of works in place to achieve this, it is not considered reasonable to refuse consent for this reason.

7.43 Conclusion

7.44 The proposed scheme straddles the boundary of the settlement, and would lead to the loss of employment land, however the development of the site would be a significant contribution to the development of housing in the District. Given the lack of a 5-year land supply the development is considered on balance to prove a level of gain to Cowbit; the delivery of housing and the highway improvements, that outweigh the location of part of the site in open countryside, and the loss of outworn employment land.

7.45 A Section 106 Agreement is required to deliver the 25% affordable housing and other contributions to the NHS and to Education. Thus the recommendation is to approve subject to the completion of a S106.

7.46 Provided the development is delivered in total, and adheres to the conditions set out below, the proposal is considered to be acceptable.

## 8.0 RECOMMENDATIONS

8.1 **Authorised to Grant Permission subject to the applicant entering into a Section 106 agreement for the provision of 25% on-site affordable housing and financial contributions towards education and healthcare, and those Conditions listed at Section 9.0 of this report.**

## 9.0 CONDITIONS

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

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

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

Application Form

Email of agent of 20 November 2018 12:42 (inclusion of Access as a Matter to consider at Outline)

Planning Statement 3338-TD-COW-XX-RPT-AR-0001 July 2018

Site Location Plan 3338-TD-COW-XX-DRG-AR-0001-P0

PROPOSED MILL DROVE SOUTH TO STONEGATE JUNCTION 3338-TD-DRU-XX-DRG-CI-0003

Indicative Site Layout 3338-TD-COW-XX-DRG-AR-0002-P0

Flood Risk Assessment SM Hemmings

Drainage Strategy by SM Hemmings received 28 Aug 2018

Archaeological Desk-Based Assessment. October 2018 APS Report 62/18

Ecological Survey TCW/FE/7222018

Nocturnal Bat Survey TWC/FE/7226018

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

3. The following matters are reserved for subsequent approval by the Local Planning Authority and no development to which these matters relate shall be carried out until these matters have been approved, viz:
- i) detailed drawings of the estate layout to a scale of not less than 1:500 and including road and plot layouts;
  - ii) detailed drawings to a scale of not less than 1:100 showing the siting, design and external appearance of each building, including a schedule of the materials to be used for external walls and roof;
  - iii) the siting and design of any vehicular access to a highway or estate road;
  - iv) the means of foul and surface water disposal;
  - v) details of landscaping and tree planting.
  - vi) the existing and proposed site levels and floor levels of the buildings and hard surfaced areas.

Reason: The application was submitted in outline only and the above details are required to enable the Local Planning Authority to assess the detailed design, scale, appearance and layout of the development as well as ensure that appropriate access and services are provided to serve the development.

This Condition is imposed in accordance with Policies SG12, SG13, SG14 and SG18 of the South Holland Local Plan, 2006 and national guidance contained in Section 14 of the National Planning Policy Framework, 2018.

4. When Application is made for Reserved Matters approval, a programme for the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved programme.

Reason: In order to ensure that the development is comprehensively implemented and does not result in a reduction in highway and pedestrian safety during the construction period and in to the future. This is in accordance with Policies SG14 and SG15 of the South Holland Local Plan, 2006.

5. No part of the development hereby permitted, that shall have a frontage to Mill Drove South and/or shall be accessed directly from Mill Drove South, shall be commenced before the junction of Mill Drove South with Stonegate has been improved in accordance with detailed engineering drawings that shall first be submitted to and approved in writing by the Local Planning Authority.

Reason; To ensure the provision of safe and suitable pedestrian access. This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan, 2006.

6. When Application is made for Reserved Matters approval, the submitted details shall show the provision of a 1.8 metre wide frontage footway to serve all dwellings that have access onto Moulton Chapel Road. The footway, as approved, shall be completed to binder course level up to each dwelling prior to the occupation of that dwelling and shall be completed to surface course level within three months of completion of the final property, hereby permitted, that has its access from Moulton Chapel Road.

Reason; To ensure the provision of safe and suitable pedestrian access. This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan, 2006.

7. A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage and residential amenity along Mill Drove South and Stonegate.

Reason: In the interests of the amenity of local residents. 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 SG14 and SG17 of the South Holland Local Plan, 2006.

8. No development shall take place until a written scheme of archaeological investigation of the land East of Mill Drove South has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
  2. A methodology and timetable of site investigation and recording
  3. Provision for site analysis
  4. Provision for publication and dissemination of analysis and records
  5. Provision for archive deposition
  6. Nomination of a competent person/organisation to undertake the work
  7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.
- The archaeological site work shall only be undertaken in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2018. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

9. No demolition or development shall take place on the site West of Mill Drove South until a written scheme of archaeological investigation for building recording of the Goods Shed has been submitted to and approved by the Local Planning Authority. The scheme should also include the following:
1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
  2. A methodology and timetable of site investigation and recording
  3. Provision for site analysis
  4. Provision for publication and dissemination of analysis and records
  5. Provision for archive deposition
  6. Nomination of a competent person/organisation to undertake the work
  7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.
- The archaeological site work must be undertaken only in full accordance with the approved written scheme.

The applicant shall notify the Local Planning Authority of the intention to commence at least fourteen days before the start of archaeological work in order to facilitate adequate monitoring arrangements. No variation shall take place without prior consent of the Local Planning Authority.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2018.

10. The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence development of East of Mill Drove South at least fourteen days before the start of archaeological work required in connection with Condition 8 above in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2018.

11. A copy of the final report required in connection with Condition 8 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2018.

12. When application is made to the Local Planning Authority for approval of reserved matters, a management plan for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted beyond oversight. The management of these areas shall be carried out in accordance with the details so approved.

Reason: To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the open space.

This Condition is imposed in accordance with Policies SG14 and HS11 of the South Holland Local Plan 2006.

13. The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures:

i) a desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.

ii) if identified as being required following the completion of the desk-top study, a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA without delay upon completion.

iii) thereafter, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing by the LPA.

iv) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

#### Note

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

The applicant's attention is also drawn to the document entitled "Developing Land Within Lincolnshire - A guide to submitting planning applications to develop land that may be contaminated", which can be obtained through the Local Environmental Health Department.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan, 2006.

14. 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>
15. Advise that the developer should work with the local planning authority to consider all options for the conversion and continued preservation of the goods shed as part of the designs for the development submitted at reserved matters. This is because of its significance as a non-designated heritage asset reflecting an important stage in South Holland's history of exporting agricultural produce, and its contribution to the group value of surviving converted railway buildings that give this part of Cowbit its distinctive sense of place.
16. This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated \*\*\*\*\* and can only be implemented as a consequence of meeting the provisions of that Agreement
17. Your attention is drawn to the existence of an agreement under Section 278 of the Highways Act in respect of this development.

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Background papers:- Planning Application Working File

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**Lead Contact Officer**

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**Appendices attached to this report:**

Appendix A Plan A

# MapThat Scale Print Title

