SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 29 May 2019

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

Purpose: To consider Planning Application H03-1151-18

Application Number: H03-1151-18 **Date Received:** 15 November 2018

Application Type: RESERVED MATTERS

Description: Erection of 66 dwellings and associated works - outline approval H03-0331-16

Location: Caultons Field West of Littleworth Drove Deeping St Nicholas

Applicant: Jelson Ltd **Agent:** Jelson Ltd

Ward: Crowland and Deeping **Ward Councillors:** Cllr B Alcock
Cllr J R Astill
Cllr N Pepper

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H03-1151-18

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 This application raises issues that warrant consideration by the Planning Committee including a number of objections.

2.0 PROPOSAL

2.1 Erection of 66 dwellings and associated works - details pursuant to outline approval H03-0331-16. The details to be considered are Appearance, Layout and Scale.

2.2 The development proposes 10 x 2-bedroom, 27 x 3-bedroom and 12 x 4-bedroom private market dwellings (total of 49 dwellings) and 4 x 1-bedroom, 8 x two bedroom and 5 x 3-bedroom affordable dwellings (total of 17 dwellings).

2.3 A deed of variation to amend the provision of affordable housing is proposed and under consideration.

2.4 Since original submission the layout of the proposed development has been amended to increase the separation distance of dwellings to the railway and improve the layout of the development.

2.5 Landscaping will be submitted as a separate reserved matter and a further application will be required, although an indicative specification for soft landscaping proposals has been submitted in support of the application.

2.6 The application is supported by a Preliminary Drainage Strategy, Topographical Survey, a

Noise & Vibration Assessment and management proposals.

3.0 SITE DESCRIPTION

3.1 The site is an allocated housing site within the South East Lincs Local Plan (Inset Map 14) and is located between the Great Northern and Great Eastern Joint Railway Line and Littleworth Drove (the main road) and also adjoins some residential frontage development along the highway.

3.2 There is an existing dropped kerb access on Littleworth Drove.

3.3 The site is 3.19 hectares in size, of Grade 2 arable land on the north side of Deeping St. Nicholas and fronting the main road through Deeping St Nicholas with the railway line running behind the site. Further open countryside and then the wind farm partly frames the backdrop to the site. A bank runs alongside the railway line.

3.4 There are residential properties on the opposite side of the main road facing the site and also to the north-east side, with the railway line and open fields to the rear (North West) and southern end. A pair of semi-detached dwellings on the same side of the road as the site are surrounded by the site on three sides. There is an old agricultural building which is in poor condition within the site near to the existing houses.

3.5 There are trees and hedges around the site with some to be retained; there is little vegetation within the central areas of the site with most specimens being on the road frontage and with hedging and isolated specimens on the northern and southern boundaries with post and wire fencing.

3.6 The site is in the proximity (80m at its nearest boundary) of the church, which is a Listed Building, and also a Scheduled Ancient Monument.

3.7 The site is located predominantly within Flood Zone 2 as defined by the Environment Agency (EA), with small pockets of Flood Zone 3.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policies
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
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

4.2 National Guidance

National Planning Policy Framework (NPPF), 2019

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 5 Delivering a sufficient supply of homes
Section 6 Building a strong, competitive economy
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 11 Making effective use of land
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

4.3 Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H03-0331-16 Outline planning application for the erection of up to 66 dwellings (with means of access to be considered). S106 agreement for affordable housing and health contribution. Approved 23 Nov 2016.

5.2 This outline permission is subject to conditions relating to materials, archaeological investigation, construction management, mud on public highways, cycle racks, contamination of land or pollution of controlled waters, noise and vibration, existing and proposed site levels and proposed floor levels of the buildings and hard surfaced areas, the provision of the estate road, surface water drainage, ecology management, unexpected contamination, protected species, landscaping and the implementation and management of open space. All of these conditions still apply and are to be discharged in due course.

6.0 REPRESENTATIONS

6.1 LCC Highways and SUDS

The highway layout has been amended in part to accommodate the requirements of the highway authority. No objections subject to conditions.

6.2 LCC Historic Environment Officer

Outline planning permission was granted on this site without the developer submitting additional information recommended by this office, in the form of an archaeological evaluation.

Would therefore like to reiterate previous comments and recommend that the evaluation is now carried out. This remains necessary in order to inform the final designs to be agreed as reserved matters (such as by preserving significant remains in situ under green space) as well as to agree the scope of the works that will be required by conditions 5, 6 and 7 added to outline permission H03-0331-16.

Less than 350m to the NE there are remains of what is thought to be a Roman settlement, and like many areas of the fenland there may be more settlements close by. Deeping St Nicholas has had little development over recent years and such there is a dearth of site specific information, it should be remembered that absence of evidence is not the same as evidence of absence.

Many parts of the Fens have been farmed for many centuries but that archaeology has remained intact below the depth of the plough, in particular often alluvial deposits have sealed and protected archaeology and this is only disturbed when development begins.

This is a large development and without further information in the form of, initially, a nonintrusive
survey, fieldwalking and or geophysics depending on the suitability of the site and then

dependant on the results trial trenching then an informed recommendation will not be able to be made.

Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. National Planning Policy Framework, Section 16, paragraph 189.

6.3 SHDC Conservation Officer

No objection.

6.4 SHDC Strategic Housing

The revised plans appear to reflect the amendments requested in relation to the affordable housing mix that best meets housing needs utilising available intelligence.

6.5 SHDC Environmental Health

The previous application included a desk study and was conditioned subject to a site investigation (standard parts ii-iv). If that desk study still stands, then please carry forward the previous condition relating to land contamination.

6.6 SHDC Environmental Services

Access roadways to all residential properties should 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 at the point where private driveways adjoin public highways. If not utilised correctly communal collection points become areas of dispute for residents of adjacent properties.

Should it be agreed that communal collection points will form part of this development the position of those collection points should be made clear to the potential occupiers of the properties nearby. This should not just be to the properties that will need to use the collection points but also the ones who will have them outside their properties. In respect to this development Plots 8, 9 & 10 will present outside plot 11 Plots 18 & 19 will present outside plot 17 Plot 20 & 21 will present outside plot 22 Plots 38, 39 & 40 will present outside plot 37 Plots 55, 56 & 57 will present outside plots 54 Please note that the above assumes that the roadways serving the remaining plots on the site are to be built in agreement with Lincolnshire County Council to be adopted as public highways.

6.7 SHDC Building Control

Where private Drives exist provision should be made for Fire Appliances and Rubbish Trucks, Rubbish should not be carried no further than 30m from the property.

6.8 Environment Agency

Comment that the revised drawing confirms that the lowest finished floor level will be 2.3m and the updated housing type plans show that the amendments are all two storey.

6.9 Welland and Deepings Internal Drainage Board

Comments raised at outline stage relating to non-Board maintained watercourses maintenance and surface water .

6.10 Lincolnshire Wildlife Trust

Wish to see the mitigation measures and enhancements within the original Ecological Impact Assessment undertaken and provided.

6.11 Network Rail

No objection in principle. Note that drainage, construction methodology and landscaping are conditioned by the outline consent. Express the views that the safety of the railway must be maintained and no encroachment caused. Also state that the positioning of trees and shrubs forming part of the landscaping scheme when submitted should be considered. Lighting should be designed so as to not impact on railway safety. The boundary treatments and fencing should be considered.

6.12 Police

No objection. Refer applicant to New Homes 2019.

6.13 Public

Two objections have been received, as follows:

The sewage system connection to Herdsman Close
Request for an acoustic barrier between the development and an adjacent field/paddock
Future safety issues of children in the future gaining access to the adjacent paddock via the development
Properties along the south-western boundary to be no higher than chalet bungalows
Removal of landscaping not in the applicants ownership

7.0 CONSIDERATIONS

7.1 The principle of development has been agreed by the outline consent. The matters of detail to consider are:

Detailed layout
Affordable housing provision
Road layout and safety
Extent of public highway and access for refuse and other large vehicles
Landscaping and open space
Impact on neighbouring residents
Flooding and levels
Surface water and foul drainage provision
Archaeology
Other matters

7.2 Detailed layout

7.3 The layout proposes a mix of dwelling types and tenures, as explained above, accessed via a roadway from Littleworth Drove. The road way is in a rough "H" shape with turning heads incorporated. Each dwelling is proposed have on plot parking. A significant level of open space is proposed along the north-western boundary of the site, which increases the separation distance to the railway, as well as providing an area of pond and reed beds.

7.4 The design of the dwellings is a standard, dual pitch roof design, and would not be out of keeping with the prevailing design of dwellings in the settlement.

7.5 Affordable housing provision

7.6 The development proposes 4 x 1-bedroom, 8 x two bedroom and 5 x 3-bedroom affordable dwellings (total of 17 dwellings).

7.7 This provision accords with policy set out within the local plan and is to be secured by a Deed of Variation to the existing S106 on the site.

7.8 Road layout and safety

7.9 The road layout incorporates the turning requirements of the LCC highway officers. Footways are proposed to the roadways and the junctions are considered to be safe and appropriate to the development.

7.10 Extent of public highway and access for refuse and other large vehicles

7.11 The road layout accommodates turning and collection facilities for refuse vehicles, Where private drives are provided the carrying distance is kept within the Building Control parameters and shared collection points provided.

7.12 Landscaping and open space

7.13 The full landscaping detail are required by the submission of a further reserved matters application in due course, however the layout plan shows clearly delineated open space. The management of the open space and any other shared areas is required to be approved via conditions appended to the outlines consent.

7.14 Impact on neighbouring residents

7.15 The siting of the dwellings within the development would not lead to undue overlooking, loss of light or loss of amenity to existing adjoining residents.

7.16 One objection has suggested the inclusion of a sound barrier to the south-western boundary, adjoining a paddock, and that buildings along this boundary be kept to single storey or chalet height. It is not considered that either of these requests could be reasonably imposed; the site bounds a domestic paddock, with the host adjoining dwelling being located in excess of 90m from the boundary to the site, being separated by garden and paddock. It is not considered that any livestock within the paddock would need acoustic protection or measures from the normal use of domestic dwellings.

7.17 A 2.0m high close boarded fence is proposed along this boundary which is considered by officers to be acceptable.

7.18 Flooding and levels

7.19 The exact detailing of levels is set by the outline consent.

7.20 Surface water and foul drainage provision

7.21 A preliminary surface drainage strategy has been submitted that indicates permeable surfacing, infiltration and discharge to swales as necessary, a pond area and a flow control chamber to restrict outflow to the adjacent dyke.

7.22 An adoptable foul water pumping station is proposed.

7.23 No objections have been raised to these proposals by statutory bodies.

7.24 A third party objection has been received regarding the sewage system connection to Herdsman Close, and this would be controlled by licencing outside the remit of planning regulations.

7.25 Archaeology

7.26 The LCC Historic Environment Officer has requested that an archaeological evaluation be sought to be considered as part of the reserved matters application. This matter is also controlled by the conditions appended to the outline consent, and can be dealt with and discharged when those conditions are submitted and considered.

7.27 Other matters

7.28 An objection has been received regarding damage to third party landscaping, however this is a civil matter and not a planning consideration so cannot be given weight.

7.29 **Additional Considerations**

7.30 Public Sector Equality Duty
In making your decision you 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 is only one factor that needs to be considered, and may be balance against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.31 Human Rights

7.32 In making your decision, you 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.

7.33 You are referred specifically to Article 8 (right to respect for private and family life), 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 interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

7.34 Conclusion

7.35 For the reasons set out above it is considered that the details provided by this application represent an acceptable form of development, that would deliver the expected mix of sizes and forms of tenure of dwellings and would not have a detrimental impact on the existing community or adjoining residents.

7.36 It is recommended that the reserved matters are approved, subject to the receipt of an acceptable Deed of Variation.

8.0 RECOMMENDATIONS

8.1 **Approve the reserved matters, subject to those conditions listed in Section 9 of this report and the receipt of an acceptable Deed of Variation to the S106 on this site.**

9.0 CONDITIONS

1. The determined plans and documents are:

Application Form
LOCATION PLAN DEE-PHI_PL_005
PROPOSED LAYOUT DEE01.101D
REFUSE TRACKING PLAN 1001_02_020_03
DRAINAGE ARRANGEMENT 1001.01.020.01C
PROPOSED MANAGEMENT COMPLANY LAYOUT DEE01.103
DEE_PH1_PL_001-Rev A
SCHEDULE OF ACCOMMODATION
Geophysical Survey FEBRUARY 2019
TOPOGRAPHICAL SURVEY 15-175-01
Brick Details
Tile Details
JS397C-01-P01 (AS)
JD401C-01-P01 (AS)
JS299C-01-P01 (OP)
JD421G-01-P02 (AS)
JS310C-01-P01 (AS)
JS397C-01-P01 (OP)
JD313C-01-P02 (AS)
JD402C-01-P02 (OP)
JD311C-01-P01 (AS)
JD320C-1-P02 (AS)
JD313C-01-P01 (AS)
JS306C-01-P01 (AS)
JD421G-01-P01 (AS)
JD425C-01-P02 (OP)
JD409V-01-P02 (OP)
JD311C-01-P02 (AS)
JS395C-01-P01 (OP)
JD402C-01-P01 (AS)
JD401C-01-P02 (AS)
JS399C-01-P01 (OP)
JD402C-01-P02 (AS)
JD409V-01-P01 (OP)
JS297C-01-P01 (AS)
JD331C-01-P01 (AS)
JS299C-01-P01 (AS)
JS297C-01-P01 (OP)
JD402C-01-P01 (OP)
JS395C-01-P01 (AS)
JD326C-01-P01 (OP)
JS394C-01-P01 (AS)
JD411C-01-P02 (OP) Rev B
JD411C-01-P01 (OP) Rev B
JD331C-01-P02 (AS)
JS306C-01-P01 (OP)
JD425C-01-P01 (OP)
JS310C-01-P01 (OP)

2. 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

Background papers:- Planning Application Working File

Lead Contact Officer
Name and Post: Richard Fidler , Development Manager
Telephone Number: 01775 764428
Email rfidler@sholland.gov.uk

Appendices attached to this report: Appendix A - Plan A