

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H14-0020-24	Applicant:	Ashwood Homes Ltd
Proposal:	Details of site levels & floor levels, construction management plan & method statement, estate road phasing & completion plan, adoptable estate roads & footways, surface water drainage scheme, on-site foul water drainage works, cycle store, acoustic barrier, landscaping & tree planting, boundary treatments, management plan for areas of publicly accessible open space & outdoor play areas, management & maintenance schedule, additional elevational treatments for plots 1, 2, 11, 67, 68 & 69, external boxes for gas & electricity supplies, gas flues & soil vent pipes, preliminary ecological appraisal, swift next bricks, biodiversity management plan, local area for play (LAP) & water consumption (Conditions 3, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 & 25 of H14-1218-21)		
Location:	The Yews Farm Land Off Spalding Road Pinchbeck		
Terminal Date:	7th March 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
33	Delivering a More Sustainable Transport Network
35	Delivering the Spalding Transport Strategy
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2023

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	2	0	0	3

CASE OFFICER ASSESSMENT

Proposal

This application is for a discharge of conditions 3, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 application relating to Planning Permission H14-1218-21.

- Condition 3 - Site Levels
- Condition 8 - Construction Management Plan and Method Statement
- Condition 9 - Estate Road Phasing & Completion Plan
- Condition 10 - Estate Roads and Footways
- Condition 11 - Surface Water Drainage Strategy
- Condition 12 - Foul Water
- Condition 13 - Cycle Storage
- Condition 14 - Glazing and Ventilation
- Condition 15 - landscaping and tree planting
- Condition 16 - Boundary Treatments
- Condition 17 - Management plan for POS and any outdoor play
- Condition 18 - Management and maintenance schedule for the areas of landscaping
- Condition 19 - Elevational treatments for Plots 1, 2, 11, 67, 68 and 69
- Condition 20 - External boxes for gas and electricity supplies
- Condition 21 - Ecology
- Condition 22 - Swift Nest Bricks
- Condition 23 - Biodiversity Management Plan
- Condition 24 - LAP
- Condition 25 - Water Consumption

Conditions 10, 21, 22 & 25 are compliance conditions and cannot be discharged.

Site Description

The application site forms part of Phase 1 of the Vernatts Sustainable Urban Extension (SUE),

which is allocated for development in the South East Lincolnshire Local Plan (2019), and sits within area ref. Pin045. The SUE as a whole will assist in meeting a significant part of Spalding's housing need and will aid in funding the delivery of the Spalding Western Relief Road (SWRR)

Full planning permission for 100 new homes, landscaping and infrastructure and outline planning permission (all matters reserved except access) for up to 300 new homes, landscaping and infrastructure was approved under H14-1218-21

History

H14-1218-21 - Hybrid planning application seeking full planning permission for 100 new homes, landscaping and infrastructure and outline planning permission (all matters reserved except access) for up to 300 new homes, landscaping and infrastructure. Approved 13-10-23

Consultation Responses

Anglian Water

Foul Water Comments: condition 12 is for on site drainage and will be reviewed under section 104 of the water industry act 1991 Surface Water Comments: The surface water is to discharge via a watercourse - this is outside of Anglian Water's jurisdiction for comments

IDB

I confirm that Welland & Deepings IDB have no comment to make with regard to this application at this stage.

Environment Agency

We have reviewed the submitted drawing 'Site Sections' (ref: 74-SS-01, dated 10 January 2024) and are satisfied that condition 3 can be discharged.

Highways & Suds

The details submitted to discharge condition 8, 9, 11 & 13 attached to H14-1218-21 are acceptable in accordance with approved details submitted 10-01-2024. Condition 10 cannot be discharged until the works are complete.

Lincs Wildlife Trust

Regarding condition 15 - A Biodiversity Net Gain calculation using the Defra Biodiversity Metric 4.0 has not been uploaded to the planning portal. It is therefore not being demonstrated that BNG is being achieved. No evidence seems to have been submitted to support compliance with this Condition.

Regarding condition 21 - The PEA prepared by Inspired Ecology Ltd in 2021 is not available on the planning portal, so we therefore cannot support an amendment to this Condition, as the recommendations made are unknown. No evidence has been submitted that this Condition is being complied with.

Regarding condition 22 - The Biodiversity Management Plan states that five swift nest boxes will be provided under the scheme, and no information on swift bricks has been included. This falls unacceptably short of the conditional habitat creation of three nest bricks per home.

Regarding condition 23 - We consider the Biodiversity Management Plan prepared by Allied Ecology, if followed, sufficient to meet Condition 23.

Lincolnshire Bat Group

Thank you for consulting Lincs Bat Group on the Biodiversity scheme. With reference to bat boxes, pleased to see they are to be integrated into the buildings, but 10, for a development of this size?! Two objections: one, there should be at least three or four times that number; and two, they should be sited well into the estate and well away from the existing and new busy main roads, given that there is the river to the south and mature gardens - which are of enormous and frequently

unconsidered important feeding areas for foraging bats - across Pinchbeck Road, which any bats are much more likely to cross if boxes are sited nearby, and risk being hit by cars. The gardens within the estate will themselves become important habitats as they develop. This doesn't appear to have been considered

Network Rail

Thank you for your letter of 12/01/2024 providing Network Rail with an opportunity to comment on the abovementioned application. In relation to the above application, we note that this only covers the full element of the previously approved hybrid application (H14-1218-21). I can confirm therefore, that Network Rail has no observations to make at this time.

Environmental Protection

The Construction management plan and acoustic measures plan proposals are acceptable

Parish Council

No comments

Pedals

Condition 13 of H14-1218-21 requires the cycle storage to be secure, covered and convenient. As far as can be ascertained from the submitted drawing, the cycle storage for the dwellings without garages is not covered. We object to this application in its present form; it should be amended to include suitable covering to protect cycles from adverse weather

Planning Considerations

Condition 3 - Site Levels

The application is required to provide:

Notwithstanding the submitted details (with specific reference, but not restricted, To Dwg No: AHL-1511-01-DR-001P6) 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 applicant has provided External Works Sheet 1, 2 and 3 showing the finished floor levels of dwellings and external areas including roads. The site levels are acceptable to the EA and given the separated distance from this site to the nearest properties on Spalding Road the levels would not give rise to amenity impacts. There would also not be an negative impact in relation to character.

This condition was imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2023 and is hereby discharged.

Condition 8 - Construction Management Plan and Method Statement

The application is required to provide:

The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to, and approved in writing by, the Local Planning Authority.

The applicant has provided a construction management plans, containing site phasing, parking of vehicles, loading, storage, wheel washing as well as the construction method of filter drains. Highways have been consulted and have no objection to the discharge of this condition.

This condition was imposed in accordance with Policies 2, 3, 4 and 30 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 9 - Estate Road Phasing & Completion Plan

The application is required to provide:

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

The applicant has provided Phase 1a and Phase 1b Section 38 Arrangements. Highways have reviewed the drawings and have no objections to the discharge.

This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019. The condition is hereby discharged.

Condition 11 - Surface Water Drainage Strategy

The application is required to provide:

Notwithstanding the submitted details the permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The applicant has provided S104 schedules including attenuation pond detail, general arrangement, catchment areas, construction surface water benching, filter strips and longitudinal sections. The IDB have reviewed the information and have 'no comments to make'. The LLFA have no objections and Anglian Water have no comments given the surface water is directed to watercourse.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019. The surface water is mitigated by the S104 adoption process, the condition is hereby discharged.

Condition 12 - Foul Water

The application is required to provide:

Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority.

The applicant has provided information in relation to the S104 consenting process. Anglian Waters have stated that S104 of the water industry act 1991 mitigates this process. The IDB have no comments to make.

This condition was imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 13 - Cycle Storage

The application is required to provide:

Prior to the occupation of any dwelling, details of a secure, covered, convenient space to store at least two bicycles within each residential plot shall be submitted to and approved in writing by the Local Planning Authority.

The applicant has provided a site plan showing that most plots have access to a garage and this is where cycles are to be stored, this is acceptable. However a number of plots are without garages and it is these plots where outdoor wall mounted storage was proposed, Pedals objected to the storage solution on these plots.

Subsequently an updated plan has been received showing cycle storage on these plots to be contained within a garden shed, this is considered acceptable.

The condition asks that cycle storage is covered and therefore this is acceptable and hereby discharged. .

Condition 14 - Glazing and Ventilation

The application is required to provide:

Details of the acoustic barrier to be installed as assumed in Paragraph 1.2 of that report shall be submitted to and approved in writing prior to the occupation of any of Plots 80 and 82 - 89, and shall be retained for the lifetime of the development.

The applicant has provided an acoustic measures plan and boundary treatment plan. Environmental Protection have been consulted and have stated that the acoustic measures are acceptable.

This condition was imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 15 - landscaping and tree planting

The application is required to provide:

Notwithstanding the submitted details before the commencement of the development hereby permitted beyond oversite, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance

The applicant has provided landscaping plans, maintenance schedules. Lincolnshire Wildlife Trust have made comments that Net Gain calculation using the Defra Biodiversity Metric 4.0 has not been provided and so the scheme is unacceptable as a net gain is not demonstrated. It should be noted that a net gain in this instance is required by policy and is not mandatory, nor is the submission of a metric in this instance. Given the features including the pond and planting the proposed landscaping scheme is considered acceptable.

This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 16 - Boundary Treatments

The application is required to provide:

Notwithstanding the submitted details (Dwg.No: 74-BT-01D) prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

The applicant has provided boundary treatments plans, which include site plans and elevations. These are considered acceptable.

This condition was imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 17 - Management plan for POS and any outdoor play

The application is required to provide:

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

The applicant has provided a 'Management Company Conveyance Plan' which shows the areas to be maintained by a management company. This includes areas of public landscaping, frontage pond, open space, refuse collection points as well as street lighting.

This condition was imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan,

2019 and is hereby discharged.

Condition 18 - Management and maintenance schedule for the areas of landscaping

The application is required to provide:

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

The 'Management Company Conveyance Plan' shows the schedule of landscaping areas, this is acceptable and would satisfy the requirements of the condition.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 19 - Elevational treatments for Plots 1, 2, 11, 67, 68 and 69

The application is required to provide:

Notwithstanding the elevation drawings that have been submitted, details of additional elevational treatments for Plots 1, 2, 11, 67, 68 and 69 shall be submitted to and approved in writing by the Local Planning Authority prior to construction of these plots beyond oversite.

The applicant has provided elevational drawing of the 'Humber', 'Ribble' and 'Tay' which represent the plots covered through condition 19. These plans are acceptable and would link in both character and amenity terms with the already approved scheme.

This condition was imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 20 - External boxes for gas and electricity supplies

The application is required to provide:

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

The applicant has provided a number of plans showing the location and position of external boxes for gas and electricity supplies, these are considered acceptable.

This condition was imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 23 - Biodiversity Management Plan

The application is required to provide:

Before the commencement of development hereby permitted, a Biodiversity Management Plan, setting out how the biodiversity enhancements will be managed and monitored for a 30-year period, shall be submitted to, and approved in writing by, the Local Planning Authority.

The applicant has provided a bio-diversity management plan by Allied Ecology. Lincolnshire Wildlife Trust have made comments stating, "We consider the Biodiversity Management Plan prepared by Allied Ecology, if followed, sufficient to meet Condition 23". Lincolnshire Bat Group have objected to the amount of boxes for bats proposed, they feel that there should be more than 10. Also they should be sited well into the estate and away from the main road.

Notwithstanding the objection from LBT the bio-diversity management plan did not have an explicit requirement for bat boxes. Whilst some are located on dwellings closer to the main road all houses are buffered from the road through landscaping and POS. Lincolnshire Wildlife Trust do not have any objection to the overall biodiversity management plan.

This condition was imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 24 - LAP

The application is required to provide:

Full details of the Local Area for Play (LAP), including type of equipment and any enclosure, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling. The LAP shall be constructed in accordance with such details and shall be completed prior to the occupation of the 50th dwelling

The applicant has shown an area allocated for the LAP, the details contain only a railed boundary and a bench within this area. Whilst the condition is explicit in requiring 'type of equipment' to be shown the original officer report states 'The LAP requires no play equipment as such, relying more on demonstrative features indicating that play is positively encouraged'.

Therefore, on this basis the LAP is considered acceptable. This condition was imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019 and hereby discharged.

Conclusion

Conditions 3, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 23, 24 attached to Planning Permission H14-1218-21 are hereby discharged.

Conditions 10, 21, 22 & 25 are compliance conditions and cannot be discharged.

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.