

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H14-0117-22	Applicant:	Minster Property Group
Proposal:	Development of 37 Affordable Dwellings		
Location:	Land East Of Surfleet Road Pinchbeck Spalding		
Terminal Date:	24th December 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework 2021

Sections:

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	2
OTHER STATUTORY BODIES	0	0	0	4
RESIDENTS	0	0	0	4

CASE OFFICER ASSESSMENT**Proposal**

Full application for a development of 37 Affordable Dwellings, with access from Surfleet Road. The scheme has been amended since submission and now proposes the following dwelling mix:

Shared ownership

10 x 2-bedroom dwellings
12 x 3 -bedroom dwellings

Total 22 Units.

Affordable Rent

4 x 1-bedroom dwellings
5 x 2-bedroom dwellings

4 x 3-bedroom dwellings
2 x 4-bedroom dwellings

Total 15 units.

Approved document - Letter from Surface Planning ref. SM_0188_003A dated 5 July 2022 sets out that all housetypes updated to meet M4(2) accessibility standard.

Developer contributions are also to be secured by S106 agreement and this is set out below.

This application is to be viewed in conjunction with H14-0557-22, as that outline application site is contiguous with this larger application site.

Site Description

The site is part of a wider land holding, to be accessed via Surfleet Road, within the settlement boundary of Pinchbeck. The land is greenfield, and is viewed as being within an area of predominantly residential development. There is mature hedging to the boundaries of the site; this hedge will be lost to facilitate this development.

A private watercourse abuts the south and east boundary of the wider site, which conveys runoff south-east and ultimately to "Captains Drain" around 150m south of the development site.

The Topographical survey within the submitted flood risk assessment indicates levels at the location of the existing land to be ~3.05 Above Ordnance Datum (AOD) Levels show a fall from north to south of around 1:250, from around 3.61 AOD and 2.84 AOD respectively.

History

H14-0557-22. Outline. Development of 4 self-build plots. Undecided.

Consultation Responses

Pinchbeck Parish Council

Supports this application.

Pinchbeck Parish Council recommend approval.

SHDC Housing Strategy

Housing Strategy Housing Strategy would like to see the scheme brought forward as per the Surface Plannings/Minsters proposal to allow Accent to provide the much needed local and district wide affordable housing. The Affordable rented element of the provision as set out below:-

Affordable Rented homes
4 a 1 bed houses plots 23,24 27,28
5 x 2 bed houses plots 31-33 & 25, 26
4 x 3 bed houses plots 34-37
2 x 4 bed houses plots 29,30

SHDC Environmental Protection

No comments on amendment original comments still stands.

Request the standard land contamination condition be applied at this location.

No objection to proposed amendments.

LCC Highway and Lead Local Flood Authority

Requested additional information and changes to the original scheme. Following the final response received:

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

We wish to request that the applicant enters in to a S106 Agreement to secure the funding of £2,800 for Lincolnshire County Council to undertake a Traffic Regulation Order to extend the 30 mph speed limit Northeast of the proposed access site on Surfleet Road.

Request Highway Informatives relating to the quality of adopted road construction, permissions for statutory utility connections and other works, raising of ground levels, highway improvement works and Section 59 of the Highways Act 1980, as well as conditions relating to the submission of a Construction Management Plan and Method Statement and footway provision, an Estate Road Phasing and Completion Plan, surface water drainage scheme.

LCC Historic Environment Officer

The proposed development is located in an area of archaeological potential. Lidar (aerial laser scanning) data shows that the part of the field to the south (beyond the proposed red line area) is a gently sloping site on the edge of former fenland. Historic mapping shows that the southern part of the site was until relatively recently an area of wetter marshy ground, even after the area around it had been drained. The developer's initial ground investigation work within the flood assessment shows that this lower southern part of the site has been subject to historic infilling to create made ground. The northern part of the site however may represent part of a roddon (higher ground formed from by a silted historic watercourse) as the developer's ground investigation revealed a clay and silt deposit beneath the topsoil here on top of natural silts. Such roddons were favoured for human settlement and activity as they remained dry when the surrounding fenland was inundated in winter and times of flood.

Therefore the northwestern part of the site has a high potential for archaeological remains of Roman to early medieval date. Pinchbeck is known to have been a polyfocal early medieval settlement with scattered areas of settlement across a wide area rather than a traditional nucleated village. Nearby previous archaeological evaluations ahead of development off Bacons Lane has revealed previously unknown remains of early medieval and medieval date including evidence for blacksmithing. There is potential for similar but as yet unrecorded remains to survive here.

Insufficient information is available at present with which to make any reliable observation regarding the impact of this development upon any archaeological remains. It is recommended that further information is required from the applicant in the form of an archaeological evaluation to be considered alongside the application. This evaluation should provide the local planning authority with sufficient information to enable it to make a reasoned decision on this planning application. This evaluation should initially consist of trial trench excavation.

"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 194.

Please ask the developer to contact this office for more information.

LCC Education and Corporate Property Services

Make the following education contribution request (precised):

- Primary £45,105 Towards additional education provision in Spalding West primary planning area.
- Secondary £67,965 Towards additional education provision in Spalding Secondary planning area
- Sixth-form £0

Total - £113,070

Suggest the s.106 monies are paid at the halfway point in the development to allow timely investment by the County Council whilst not adversely affecting the developer's viability.

Welland and Deeping Internal Drainage Board

I note from the submitted documents that it is proposed to positively discharge surface water from the site into the adjacent dyke. In line with current guidance, the use of SUDS systems should be considered as a first approach to deal with surface water discharges from the site. Lincolnshire County Council as Lead Local Flood Authority will have a key input into any SUDS or surface water disposal strategy. I would advise early engagement of discussions with them. The Board would be prepared to accept flows at its accepted Greenfield rate of 1.4 litres/second/hectare into its system subject to completion of the relevant consent application form, agreement of technical details and payment of the relevant development contribution sum in advance of any site works.

The route from the proposed surface water discharge outfall point through the riparian watercourses up until its entry into the Board's system needs to be investigated and proven to the Board as well as the current condition of this watercourse run. The riparian watercourse along the south-west boundary of the site which is receiving the discharge is to be cleaned out both upfront of connection and in perpetuity as necessary to reduce the potential for any issues.

If any watercourses are to be altered in any way as part of the scheme then the prior written consent of the Board is required.

Anglian Water

ASSETS

Section 1 - Assets Affected

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Spalding Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

This response has been based on the following submitted documents: FRA Jan 2022 The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. Recommend the inclusion of informatives.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water. As such, we are unable to provide comments on the suitability of the surface water management. The applicant and the Local Planning Authority should seek the advice of the Lead Local Flood Authority and the Internal Drainage Board if

applicable. The Environment Agency should be also consulted if the drainage system directly or indirectly involves the discharge of water into a Main River.

12 July 2022- We have reviewed the submitted documents and we can confirm we have no additional comments to add to our previous response.

Environment Agency

The proposed development will only meet the National Planning Policy Framework's (NPPF) requirements in relation to flood risk if a planning condition is included to ensure the development accords with the flood risk assessment.

The discharge and enforcement of planning conditions rests with the LPA; must therefore be satisfied that the proposed condition meets the requirements of the 6 tests in paragraph 56 of the NPPF. Further guidance on the 6 tests is provided in the planning practice guidance.

Lincolnshire Police

Lincolnshire Police do not have any objections to this application.

Lincolnshire Wildlife Trust

No response received.

Third Parties

2 Objections - Precised:

Will increase the already heavy traffic that travels through both Spalding and Pinchbeck daily
Strain on health facilities and schools etc
Sewage provisions
Privacy issue for those that live opposite
Reduction in flood defences
Additional traffic noise

3 Comments - Precised:

Strain on health facilities and schools etc
Current 50MPH speed limit, should be reduced to 30 MPH
Density and width of driveways
Additional traffic noise

Planning Considerations

The main issues in this case are:

Principle of Development
Sustainability
Layout and Design
Refuse collection
Highway safety and parking
Impact of neighbouring Residents/land users
Flooding considerations
Foul and Surface Water Drainage
Landscape Impact and biodiversity
Contaminated Land
Heritage and Archaeology considerations
Developer Contributions

Principle of Development and Sustainability

Policy 1: Spatial Strategy of the SELLP directs development to main and minor service centres, and

other service centres and settlements where limited growth under specific circumstances would be allowed. The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.

Pinchbeck is considered to be a Main Service Centre within the South East Lincolnshire Local Plan, March 2019 (SELLP). Within the settlement boundaries of the Main Service Centres development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

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

This site is within the settlement boundary of Pinchbeck and the principle of development is acceptable in principle.

Layout and Design

It is considered that the proposed layout, with a mix of dwellings accessed via a predominantly adopted road form. Three private drive areas are proposed, which LCC do not object to.

The mix and form of dwellings would result in a pleasant mix of sizes and types, with clear parking areas on plot and private garden areas. A materials drawing is submitted that sets out a mixed palette of materials, to introduce interest, rather than a uniform street scene. The density proposed, when taking this site and the adjoining 4 self build plots, being circa 22.8 dwellings per hectare, which is in character with this part of Pinchbeck.

An open space including an attenuation basin is proposed to the south-east corner of the site. This would create some open space and its landscaping and treatment is to be considered via condition.

Refuse collection

Refuse and recycling collection is to be via the SHDC services, and accessed from the adopted estate road and Surfleet Road. This would accord with the SHDC waste guidance, which is a material consideration, although not a planning policy document.

Highway safety and parking

LCC have requested that the applicant enters in to a S106 Agreement to secure the funding of £2,800 for Lincolnshire County Council to undertake a Traffic Regulation Order to extend the 30 mph speed limit Northeast of the proposed access site on Surfleet Road. This is agreed by the applicant. This measure would reduce the speed limit at this point on Surfleet Road to 30MPH, which would reflect the residential nature of this part of the road and lead to lower speeds and noise on this part of Surfleet Road.

It is not considered that this development would lead to such additional traffic flows that road safety would be compromised or capacity exceeded. Coupled with the reduction in the speed at this point of the road, it is considered that an improvement to safety would be gained.

Impact of neighbouring Residents/land users

This site is bounded by a handful of dwellings, and the development has been designed to retain sufficient separation to existing dwellings, in particular No.51 Surfleet Road, which is to the north of the site and No.53, which is to the west. Dwellings to the south of the site shall be separated from the dwellings by the attenuation basin and associated landscaping. Details of the surface water pump station are to be sought via the drainage condition and details of levels in relation to boundary treatments will also be considered via condition. It is not considered that there would be an undue level of overlooking, loss of amenity or loss of light to these properties.

Dwellings on the western side of Surfleet Road are separated from this development by the public

highway and respective front and side gardens. It is not considered that there would be an undue level of overlooking, loss of amenity or loss of light to these properties.

Flooding considerations

The Flood Risk Assessment & Drainage Strategy sets out that finished floor levels are to be raised 0.30m above the 100-year+40% climate change AEP flood level, and that an emergency flood plan shall be put in place, including safe access and escape routes that shall be retained for the lifetime of the development. This is to be controlled via condition.

Foul and Surface Water Drainage

Details of foul and surface water drainage, including details of the sewage water pump station are required to be submitted prior to development commencing.

Landscape Impact and Biodiversity

The mature hedging to the Surfleet Road frontage is to be removed either in part or in total as a requirement of the sight lines and accesses to the development and a replacement landscaping scheme, hedge planting to the boundaries and ecology provision is sought by conditions.

The SHDC Conservation Assistant (Tree Preservation) was consulted and no response was received.

Contaminated Land

The SHDC Environmental Protection Service request the standard land contamination conditions are applied at this location. Therefore further details are to be submitted.

Heritage and Archaeology considerations

The LCC Historic Environment Officer has submitted a detailed response, which is set out above, and requests a pre-commencement condition and the submission of findings. This is set out in the draft conditions.

Developer Contributions

The applicant has agreed to a S106 Agreement to secure the following:

Affordable Housing - 15 Affordable Rent Dwellings consisting of 4 x one-bedroom houses, 5 x two-bedroom houses, 4 x three-bedroom houses and 2 x 4-bedroom houses and 22 Intermediate Dwellings consisting of 10 x two-bedroom houses and 12 x three-bedroom houses in accordance with the Affordable Housing Plan;

NHS contribution - £24,420 towards the expansion in capacity through remodelling/changes to layout or extension to existing facilities within the Market Deeping & Spalding Primary Care Network (PCN) at Munro Medical Centre, The Spalding GP Surgery and Beechfield Medical Centre. Alternatively the contribution may be used for the purpose, where appropriate, to support expansion in capacity at an alternative general practice site as required to meet the local population health need;

Education contribution - £115,074.50 which arises out of the need to provide secondary school place and the contributions shall be used towards the Secondary Education Contribution Purpose, and

Funding of £2,800 for Lincolnshire County Council to undertake a Traffic Regulation Order to extend the 30 mph speed limit.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed development is acceptable in principle and detail. Certain matters as set out above are to be controlled via conditional submission. Taking into consideration these factors, the proposal is considered to comply with the policies set out above.

There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

Approve, with a S106 legal agreement to ensure delivery of the contributions set out above.

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.