

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H14-0165-21	Applicant:	Bellway Homes Eastern Counties
Proposal:	Erection of 96 dwellings and associated works - outline approval H14-0720-18		
Location:	Land Off Wardentree Lane Pinchbeck Spalding		
Terminal Date:	13th January 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**

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments
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PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	2
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	2
SHDC INTERNAL	0	0	0	3
OTHER STATUTORY BODIES	0	0	0	4
RESIDENTS	4	0	0	3

CASE OFFICER ASSESSMENT

PROPOSAL

Erection of 96 dwellings and associated works - outline approval H14-0720-18.

The scheme proposes the following:

6 one-bed units
6 two-bed units
60 three-bed units
24 four-bed units

The application has been revised since submission and now proposes detached, semi detached and short terraces of dwellings, served predominantly by an adopted highway, with some short private driveways.

The 24 affordable units are to be as follows:

17 Affordable Rented
- 6 x one-bed maisonettes,
- 6 x two -bed houses,
- 3 x three-bed houses
- 2 x four-bed houses

7 Shared Ownership homes

- 2 x two-bed houses
- 5 x three-bed houses

The proposed development of 96 dwellings equates to 24 dwellings per hectare.

The scheme proposed a perimeter of public open space to enable access and maintenance of the Blue Gowt Drain and a central pocket of open space.

The agent has confirmed that this scheme delivers the S106 affordable housing, Education and NHS requirements of the S106.

This application is supported by a Design & Access Statement, Planning Condition & FRA Compliance Report, Arboricultural Impact Assessment, Drainage Strategy, Soft Landscape Proposals, Playspace Layout, Hard Landscaping Plan, PRow Diversion Plan and a Planning Statement.

It is also to be noted that the issues set by the imposition of conditions on the outline consent have been discharged, as set out in the history below.

SITE DESCRIPTION

As host consent. The site is now cleared of buildings.

RELEVANT HISTORY

H14-0720-18. OUTLINE. Proposed residential development of up to 96 dwellings. Approved 08-03-19.

The level of affordable housing and other contributions are set by the Section 106 legal agreement dated 7 March 2019, on outline consent H14-0720-18, and is as follows:

- Minimum of 25% affordable dwellings
- Education contribution to be calculated in accordance with the formula
- NHS contribution of £444 per dwelling

H14-0862-21 MODIFIED AGREEMENT. Modification of 106 Agreement to vary the mortgagee exclusion clause and the recycling provisions contained in the agreement (relating to H14-0720-18 - Proposed residential development of up to 96 dwellings). Approved 13-12-21.

H14-0650-21. CONDITION COMPLIANCE. Details of programme for phasing, contamination, construction management plan & prevention of mud deposits on public highway (Conditions 4, 8 parts i & ii, 14 & 15 of H14-0720-18). Approved 4-11-21.

H14-0757-21. CONDITION COMPLIANCE. Details relating to Flood Risk Assessment, surface water drainage scheme and foul water drainage strategy (Conditions 9, 13 & 16 of H14-0720-18). Approved 2-9-21.

H14-0686-21. CONDITION COMPLIANCE. Details of open space, management plan for areas of publicly accessible open space and outdoor play areas and management & maintenance of communal areas (Conditions 5, 6 & 7 of H14-0720-18). Approved 2-9-21.

H14-0838-21. CONDITION COMPLIANCE. Details of final report in relation to archaeology - Condition 18 of H14-0720-18. Approved 12-08-21.

REPRESENTATIONS

Pinchbeck Parish Council

No observations.

SHDC Building Control

Queried the blocking of the right of way on the site during site clearance.

Private Drives to take the weight of a 18t Fire Appliance and properties should not have to carry refuse any more than 30m.

SHDC Housing Strategy

The applicant has submitted an affordable housing scheme which has addressed all of the outstanding points from Strategic Housing.

The affordable housing scheme proposes 17 Affordable Rented homes comprising of 6 x 1 bed maisonettes, 6 x 2 bed houses, 3 x 3 bed houses and 2 x 4 bed houses and 7 Shared Ownership homes comprising 2 x 2 bed houses and 5 x 3 bed houses. The amendments to the affordable scheme accords more with policy by providing a mix of tenures and house sizes to meet a range of housing needs.

The affordable homes are spread proportionately across the scheme and with the exception of the first floor 1 bed maisonettes will meet M42 accessibility standards. The affordable homes will also meet the design and space standards as set out in the s106 Agreement.

SHDC Conservation Assistant (Tree Preservation)

If the recommendations in the Arboricultural Impact Assessment are closely followed, damage to trees should be kept to a minimum. Incidentally this Arboricultural Assessment is a particularly clearly set out example of its type and should be congratulated.

Please supplement with usual Conditions about not allowing fires etc. within Root Protection Areas; or changes in soil levels.

SHDC Environmental Services

No response received.

LCC Highways & SUDS Support

Raise no objection and request informatives. Also, conditions are requested that have already been resolved via the outline consent and reserved matters submissions.

A condition is recommended that within seven days of the new access being brought into use, the existing access onto Wardentree Lane shall be permanently closed. This is included within the recommendation.

LCC advised that the amendment 6 - proposed amendments comprise of changing private drives to adoptable edge lanes is acceptable with the Highway and Lead Local Flood Authority.

Welland and Deepings Internal Drainage Board

Refer back to the outline consent.

Requested that easement is clearly shown on the plans.

Advise that consents from the IDB would be required for surface water discharge.

Anglian Water

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.

Foul Water

We have reviewed the applicant's submitted foul drainage strategy and flood risk documentation and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge Condition(s) 3 of the outline planning application H14-0720-18, to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage information.

Surface Water

We have reviewed the applicant's submitted surface water drainage information (Drainage Strategy) and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible. The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry. The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals. We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off.

Environment Agency

Refer back to the outline and the conditions therein.

Police Crime Prevention Design Advisor

Lincolnshire Police do not have any objections to the plans.

Pedals

Please impose conditions to ensure that the cycle storage referred to in paragraphs 3.14 and 3.16 of Strutt and Parker's Planning Statement is provided and available for use prior to the first occupation of each dwelling, and remains available for that use thereafter.

Lincolnshire Wildlife Trust

Suggest that all recommendations within Section 6 of the report, including the need for further survey effort for bats are conditioned.

Preliminary Ecological Appraisal by Southern Ecological Solutions is a good assessment of the site. The planting schedule has positive ecological benefit and I can see the inclusion of the specifications from the Preliminary Ecological Assessment in the landscaping proposals.

Can't see a maintenance and management plan, I would suggest that this should be provided. A biodiversity management plan would help to ensure longevity of the on-site biodiversity and habitats provided. When the developer hands over the site to a management company or contractor, if the hedgerows, trees, flowering lawn, wildflower and wetland seeded areas aren't managed appropriately they will not produce the planned environmental benefits. Inappropriate management can also lead to the local community considering them unattractive. I would suggest some

interpretation signage in key places to explain that areas are managed for the benefit of people and wildlife.

Public

Objections have been received from 5 households raising the following matters (summarised):

Object to principle of development.

Spalding and Pinchbeck will soon join together.

Location of point of access; safety; proximity to existing junction; light disturbance to dwelling opposite.

The granting of the outline consent was prior to the occupation of Pinchbeck Fields; traffic has increased since then

Visibility of access.

30 MPH speed limit not observed.

Options suggested - Move the entrance eastwards opposite Pinchbeck Fields and introduce a mini roundabout, Prohibit a right turn onto Wardentree Lane from the new estate, introduce traffic calming measures on the southern side of Wardentree Lane.

Two storey houses would detract from the current street scene which in the main consists of single storey bungalows; overbearing height situation.

Question why investment is going to Wygate school.

Current state of site.

Disturbance during site clearance.

Measures to be put in place during clearance and construction.

Longer term maintenance of the open areas and landscaping.

Insufficient parking; leading to on-street parking.

Impact on existing roads that are poorly maintained.

Will add to existing unemployment.

Schools and health provision already inadequate.

One comment regarding provisions for Swifts.

PLANNING CONSIDERATIONS

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 main issues in this case are:

Principle of Development

Layout and Design

Highway safety and parking

Impact on neighbouring Residents/land users

Flooding considerations

Foul and Surface Water Drainage

Impact on trees

Contaminated Land

Archaeology

Biodiversity

Refuse Collection

Developer Contributions

Principle of Development

The principle of this development was accepted by the grant of the outline consent. At that time all outstanding consents and land allocations were taken into account by the Local Planning Authority and the statutory consultees when assessing the impact of the development of this site. Please refer to the report relating to H14-0720-18.

Layout and Design

Whilst the density across the site is relatively similar, the slightly higher density areas are located adjacent to Wardentree Lane, with the slightly lower density areas relating to the existing houses to the west and areas adjacent to the public open space.

The dwellings on to Wardentree Lane would be of two storey design. It is considered that due to the set back from Wardentree Lane and the varied form of development to the south, it is considered that in terms of streetscape, a pleasant and varied form would be provided and it is not considered appropriate to restrict the outward facing dwellings to bungalows, as objectors have suggested.

Within the site the development would be located along areas of public highway and a pleasant street scene would be formed.

Highway safety and parking

The principle of the impact of the traffic from this development was considered and accepted by the outline consent.

With regard to the details, the access to the site is centrally located to achieve a separation from the Wardentree Lane traffic lit junction. It is proposed to control via condition the closing of the existing access to the site.

Objectors have suggested that the access be moved, in order to reduce perceived impacts on highway safety and on residents on the opposite side of Wardentree Lane.

The location and safety aspects of the highway connection point have been considered in detail by LCC Highways and the officers have concluded that the proposed location of the access is acceptable.

It is considered that the proposal accords with Policies 2 and 3 of the SELLP.

The parking proposed by the development is acceptable, being largely on plot and accords with Policy 36 and Appendix 6 of the SELLP.

During early site clearance the Right of Way on the western side of the site was blocked. This was cleared and the right of way is open.

Impact on neighbouring Residents/land users

With regard to impacts of car lights and noise to the residents opposite, the properties on the southern side of Wardentree Lane are set back from the highway and have comfortably sized front gardens. The relationship of the access to dwellings to the south would be similar wherever the access were located, and it is not considered that the placing of the access and the light sweep from car headlights would have such an impact on residential amenity that consent could be refused on that basis.

Wardentree Lane is a road frequented by domestic and business traffic at present. It is not considered that the noise aspects of the use of the proposed estate road connection would create such a level of noise that permission could be withheld.

The dwellings facing Wardentree Lane would be separated by the public and semi public realms of the highway and front gardens from the existing dwellings to the south. It is considered that the form and siting of the new dwellings would not cause a loss of privacy, nor such a loss of light that consent could be withheld.

It is considered that the proposal accords with Policies 2 and 3 of the SELLP.

Flooding considerations

Please refer to the submissions and approved documents relating to H14-0757-21. CONDITION COMPLIANCE application approved 2-9-21.

Foul and Surface Water Drainage

Please refer to the submissions and approved documents relating to H14-0757-21. CONDITION COMPLIANCE application approved 2-9-21.

Impact on trees

The consultation response of the Conservation Assistant (Tree Preservation) is set out above. Please refer to the submissions and approved documents relating to H14-0686-21. CONDITION COMPLIANCE. Approved 2-9-21.

Contaminated Land

Please refer to the submissions and approved documents relating to H14-0650-21 CONDITION COMPLIANCE application approved 4-11-21.

Archaeology

Please refer to the submissions and approved documents relating to H14-0838-21 CONDITION COMPLIANCE application approved 12-08-21.

Biodiversity

Please refer to the submissions and approved documents relating to H14-0686-21. CONDITION COMPLIANCE. Approved 2-09-21.

Swift boxes are conditioned.

Refuse Collection

The layout has been revised to increase the extent of the adopted highway, and as such the collection points face the public highway, except for a handful of properties.

The SHDC Private Drives - Waste Vehicle Collection Service - Guidance Note, published by the Waste Service, is not a planning policy or planning guidance, but has been taken into account as a material consideration in looking at the layout of the proposals.

It is considered that the proposal accords with Policies 2 and 3 of the SELLP.

Developer Contributions

The agent has confirmed that this scheme delivers the S106 affordable housing, Education and NHS requirements of the S106.

The specifics of spending are included within the S106 and were addressed during the outline stage.

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 would not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking and access facilities. Taking into consideration the factors and considerations set out above, the proposal is considered to comply with Policies 1, 2, 3, 4, 5, 6, 10, 11, 17, 18, 28, 29, 30, 31, 32, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF) 2021.

CONCLUSION

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.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED)

under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

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

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

RECOMMENDATION

That the application be approved under delegated powers.

This application was considered by the Chairman's Panel meeting on 23 December 2021 and it was concluded that a delegated decision is appropriate.