DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0420-22**	**Applicant:**	**Bellway EC**
Proposal:	Erection of 96 dwellings and associated works - approved under H14-0165-21. Modification of Condition 1 to allow amendments to previously approved plans (relating to a change of brick)		
Location:	Pinchbeck Fields Off Wardentree Lane Pinchbeck		
Terminal Date:	12th September 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

PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

SEC 73 MODIFICATION - Erection of 96 dwellings and associated works - approved under H14-0165-21. Modification of Condition 1 to allow amendments to previously approved plans (relating to a change of brick).

The bricks approved within materials plan (487-SK-04 G) can no longer be sourced and this application is to look to propose two alternatives. Woolwich Stock and Dewstow Wren. Details of both have been provided.

Photograph of Brick Panel - Dewstow Wren. 01/07/2021
Specification Dewston Wren Facing Bricks 08/02/21
Specification Woolwich Stock Facing Bricks 28/01/21

Site Description

As host consent, although works are under way.

History

H14-0566-22. CONDITION COMPLIANCE. Details of method statement detailing the remediation requirements for land contamination and pollution of controlled waters (Condition 8 part iii of H14-0720-18). UNDER CONSIDERATION.

H14-0165-21. RESERVED MATTERS. Erection of 96 dwellings and associated works - outline approval H14-0720-18. APPROVED 2-01-22.

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

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.

Consultation Responses

Pinchbeck Parish Council and Ward Members were consulted, a press notice placed and a site notice displayed. No responses have been received.

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.

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 reports relating to H14-0720-18 and H14-0165-21.

Layout and Design

No changes are proposed to the approved layout.

The materials proposed a an alternative to those already approved are similar in colour and texture and are considered to be acceptable.

Highway safety and parking

No changes are proposed to the Highway access/exit arrangements, nor to the parking arrangements on the site.

Impact on neighbouring Residents/land users

This change of brick types would not have any greater or lesser impact upon residents that that already considered by the host application.

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

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 is not proposed to be altered from the approved scheme.

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

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

Approve.

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.