

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H14-0557-22	Applicant:	Minster Property Group
Proposal:	Development of 4 self-build plots		
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	0	0	0
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	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	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT**Proposal**

Outline application for a development of 4 self-build plots.

Approval for the proposed access arrangements is sought in detail. The matters of appearance, layout, landscaping and scale are proposed to be reserved.

By reserving all design matters for this self build development, the proposals ensure that the first occupants of the dwellings can provide the primary input to their design and layout, in accordance with the Government's Planning Practice Guidance for self-build and custom housebuilding.

The application is supported by a Flood Risk Assessment, Protected Species Report and tree survey.

This application is to be viewed in conjunction with H14-0117-22, as this outline application site is contiguous with the 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 is likely to be lost to facilitate this development.

A private watercourse abuts the south and east boundary 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

H14-0117-22. FULL. Development of 37 Affordable Dwellings. Undecided.

Consultation Responses

Pinchbeck Parish Council

No response received.

SHDC Environmental Protection

No comments or objections.

LCC Local Highway and Lead Local Flood Authority

The Application site is part of a larger parcel of land, the remainder of which is subject to a separate Planning Application, H14-0117-22, which is also for residential development. The Applicants for both Applications are the same company and so the probability is that, if Consented, both developments would be undertaken simultaneously. However, it is possible that only one Application may be Consented and therefore each Application should be considered as a separate entity.

The larger Application is expected to deliver a 2.0 metre wide footway along the both the frontage of that site and the frontage of the land that is the subject of this Application. It would not be essential for a 2.0 metre wide frontage footway to be provided at the front of the land that is the subject of this Application, if just these four dwellings were to be all that were to be Consented - it would not be unreasonable for residents of the dwellings to cross Surfleet Road to use the existing footway on the opposite side. However, it would be prudent to ensure that in the construction of this land, sufficient space is reserved at the frontage of this site to ensure that the frontage footway that would be required to make the development being proposed in H14-0117-22 acceptable in highway terms, would be capable of being constructed should that Application be Approved. It would also be prudent to ensure that the necessary highway drainage required for the frontage footway could be accommodated.

As a stand alone Application, it would be necessary for the existing hedge along the frontage of this site to be removed, in order to provide the necessary visibility for drivers emerging from the paired access points into Surfleet Road to do so safely.

Recommend a Construction Management Plan condition and informatives relating to vehicular access and statutory utility connections.

LCC Education

Set out requirements for this and the wider full application site to deliver contributions . This requirement is to be delivered via a S106 legal agreement.

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.

Welland & Deepings Internal Drainage Board

In line with current guidance the use of a SUDS system is to be considered as the first approach to deal with surface water drainage.

The IDB are prepared to accept flows as its accepted Greenfield rate of 1.4litres/second/hectare would be acceptable, subject to the usual consents.

Anglian Water

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat.

Please note that if diverting or crossing over any of our assets permission will be required.

Environment Agency

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

The development shall be carried out in accordance with the submitted flood risk assessment (ref:1-198) dated June 2022 and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 300mm above the existing ground level.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

As you are aware, the discharge and enforcement of planning conditions rests with your authority. You must therefore be satisfied that the proposed condition meets the requirements of the 6 tests in paragraph 56 of the National Planning Policy Framework. Further guidance on the 6 tests is provided in the planning practice guidance

NHS

The consultation response for this and the full application can be viewed at H14-0117-22. FULL. Development of 37 Affordable Dwellings. A health care contribution of £660 per dwelling is expected.

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

Impact on trees

Contaminated Land

Heritage considerations

Archaeology

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. This application shall be subject to a S106 legal agreement to deliver the four plots as self build, as per the application proposal.

Layout and Design

The illustrative drawings submitted to support this application demonstrate that four dwelling plots could be achieved. Access from Surfleet Road is considered to be acceptable and the wider Reserved Matters shall be dealt with for each of these self build plots via later submission.

Refuse collection

Details of refuse collection are to be controlled by conditional submission, and will be agreed at a later date. Reference will be made to the Council's published PRIVATE DRIVES - WASTE VEHICLE COLLECTION SERVICE - GUIDANCE NOTE when submitting these details, and this is set out within the suggested condition as a consideration.

Highway safety and parking

As can be seen from the LCC response above, it is considered that subject to the provision of

footpaths and sight lines, the development would be acceptable. This would require the removal of the hedge to Surfleet Road, and this is discussed below.

LCC do not consider that the development would not lead to such additional traffic that there would be detrimental impacts on the highway network.

Impact of neighbouring Residents/land users

This application is outline with access only being considered at this time. The details of design and thus impacts on adjoining land users and residents would be considered at Reserved Matters submission.

Flooding considerations and Surface Water Drainage

The EA information shows that the site is protected by flood defences along each side of the River Glen. These are in the form of earth embankments and concrete floodwalls (these are identified by the EA as being in a "fair condition"). EA flood mapping shows these flood defences to offer a level of protection at least up to the 1:1000 year + climate change AEP event. Due to the distance of the site from the River Glen (~450), the development would only potentially be at risk of fluvial flooding if the existing defences along the River Glen catastrophically failed.

The fluvial flood level at the location of the site is inconclusive and is not provided within the EA model. The closest flood level provided is at node ref; "GLEN 5860" located directly within the River Glen channel, ~450m from the site. Flood level information taken at GLEN 5860 indicates a flood level of 4.81 AOD during the 100 year + 20% climate change event. This flood level however has been calculated directly within the channel of the river where water levels would rise significantly due to the restriction applied by the existing adjacent flood defences. On this basis, this level is suggested not to be accurate if the flood defences catastrophically failed since the restricting effect to flood water would decrease as water dispersed across the land between the site and the River Glen. Using this level to even gauge a ball park flood level at the location of the site (450m away from GLEN 5860) is therefore not seen to be possible however it can reliably be estimated to be significantly lower than that provided by GLEN 5860.

To offer some level of protection however from shallow flood levels (which it is considered may become apparent if the existing flood defences along the River Glen failed), proposed Finished Floor Levels (FFLS) will be raised a min of 0.30m above existing ground levels. It is believed this measure would offer protection against shallow flood levels allowing floodwater to continue to be naturally conveyed west to east in an instance of flood defence failure (following the natural topography of the existing ground levels).

No historic flood event within vicinity of the site from fluvial flooding has been recorded by the EA. The site is not at risk from tidal flooding.

Review of EA surface water flood mapping identifies the development to be within the "low / very low" flooding extents with flooding depth below 300mm. It is believed therefore the existing site is at low / very low risk of surface water flooding. Risks of surface water flooding will be further reduced by the implementation of a SuDS surface water drainage strategy.

A conditions are recommended to ensure compliance with the recommendations of the Flood Risk Assessment and to resolve the surface water drainage scheme.

Foul Drainage

Foul drainage is to be served by connection to the existing sewer, which shall require separate arrangement with Anglian Water.

Landscape Impact

The site is part of a greenfield site within the settlement and presents a pleasant hedged boundary to Surfleet Road. The site is viewed from adjacent dwellings. Details of landscaping are required to be submitted as a reserved matter. The mature hedge to the frontage of the site will need to be removed to facilitate highway requirements for this scheme, and a replacement landscaping and hedging scheme is expected. This is to be controlled by condition.

Contaminated Land

The Council's Environmental Protection officers have made no comment to this application nor recommended conditions. It is expected that this greenfield site would not yield contamination or other issues.

Heritage considerations and Archaeology

The response of the LCC Historic Environment Officer is set out above. The site is located in an area of archaeological potential. 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.

Therefore the site has a high potential for archaeological remains of Roman to early medieval date. 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. For this reason conditions are suggested to require further archaeological consideration and submission.

Developer Contributions

This application shall be subject to a S106 legal agreement to deliver education and NHS requirements.

Set out requirements for this and the wider full application site to deliver contributions . This requirement is to be delivered via the S106 legal agreement.

Planning Balance

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 outline development is acceptable in principle and the details of access are considered acceptable. Further Reserved Matter details are to be considered at a later date. 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 that the development is delivered as a self build scheme and to ensure delivery of the education and NHS policy compliant contributions.

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.