

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H14-1032-21	Applicant:	Executors of P J Borst Deceased c/o G B England Esq
Proposal:	Residential Development - 16 Dwellings - outline approval H14-0912-17		
Location:	Crossgate Lane Pinchbeck Spalding		
Terminal Date:	24th February 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
19	Rural Exception Sites
28	The Natural 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	1	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	6	0	0	2

CASE OFFICER ASSESSMENT

PROPOSAL

Residential Development - 16 Dwellings - outline approval H14-0912-17. Details of Conditions 4 (Reserved Matters) and 9 (Landscaping) of the outline consent:

The application has been revised since submission. The application now proposes market dwellings to plots:

- 1 Two storey, detached, four-bedroom dwelling with integral garage
- 2 Two storey, detached, four-bedroom dwelling with integral garage
- 3 Two storey, detached, four-bedroom dwelling with detached garage
- 4 Two storey, detached, three-bedroom dwelling with integral garage
- 5 Detached three-bedroom bungalow with attached garage
- 6 Two storey, detached, four-bedroom dwelling with integral garage
- 7 Two storey, detached, four-bedroom dwelling with detached garage
- 8 Two storey, detached, four-bedroom dwelling with detached garage
- 9 Two storey, detached, four-bedroom dwelling with detached garage
- 16 Detached three-bedroom bungalow with detached garage

Plots 10, 11, 12, 13, 14 and 15 are to be provided as semi detached affordable dwellings, as follows:

- 2 x three-bed two storey dwellings
- 2 x two-bed two storey dwellings
- 2 x one-bed two storey dwellings

Open space is shown to the centre of the site and the easement around the site is kept for functional as well as visual appearance reasons.

A footpath crossing is shown to link the site to the wider pedestrian footpaths, on to Crossgate Lane.

The application is supported by a drainage plan, details of the extent of adoptable highway and details of levels.

It is to be noted that conditions appended to the outline consent relating to the following have not been submitted, and will be subject to further applications in due course:

Conditions

- 5 Contaminated Land Scheme
- 6 Archaeological Scheme
- 7 Notification of Archaeology Works Commencing
- 8 Archiving of Final Archaeological Report
- 10 Details of Boundary Treatment
- 11 Implementation of Open Space
- 12 Open Space Management
- 13 Details of Refuse Storage
- 14 Domestic Accoutrements -external boxes for gas and electricity supplies etc
- 17 Estate Road Junctions within Existing Highway
- 18 Surface Water Run-Off - Outline
- 19 Foul Drainage Details
- 20 Construction Process Management Plan
- 21 Prevention of Mud on the Highway
- 22 Details of Existing and Proposed Site Levels

SITE DESCRIPTION

The site is greenfield in nature and 1.45 hectares in size. To the east the site is bordered by Crossgate Lane and Surfleet Road, with properties opposite and a footpath/area of verge. To the south are properties on Captain's Beck. To the west is Gallery Walk pedestrian footpath and agricultural fields beyond. To the north are properties on Flaxmill Lane and Crossgate Lane.

The site is outside the settlement boundary of Pinchbeck and is considered to be countryside.

The application site lies within Environment Agency Flood Zone 3 and the vast majority of the site is identified within the SFRA as a mixture of 'Low Hazard', 'Danger for Some' and 'Danger to Most' (the majority of the site being the first two of these designations) in terms of flood hazard and in the main 1.25 - 2.0 metres in terms of predicted flood depth.

The extant consent on the site is described below.

RELEVANT PLANNING HISTORY

H14-0912-17. OUTLINE. Residential development. Approved. 27-11-18. The development limited to no more than 16 dwellings. S106 is in place requiring provision of 25% affordable housing. No education or NHS contributions were requested by the relevant bodies at that time.

REPRESENTATIONS

Pinchbeck Parish Council

Original submission

Object to this planning application as follows:

- Design and layout;
- Shape, layout and size of plot gardens;
- The central island would become a dumping ground for refuse and recycling;
- Density;
- Prominent site which should offer more of a 'gateway' feel upon entering the village;

Revised schemes

No response received at time of writing.

SHDC Housing Strategy

Originally submitted scheme

The Outline consent benefits from a s106 Agreement that secures a minimum of 25% of the total number of dwellings as affordable housing. The s106 Agreement also requires the applicant to submit an affordable housing scheme for approval detailing the tenure, mix, size and location of the affordable dwellings.

Within this Reserved Matters application the applicant provides plans for plots 10-15 labelled affordable housing. If all 6 of these are provided as affordable housing this equates to more than the minimum 25% of the development. Can planning check with the applicant what is being proposed?. For these affordable dwellings the applicant does not state the tenure and proposes for them all to be 3 bedroom houses. To meet needs and adhere to local and national policy the applicant should consider amending the plans to deliver 4 affordable homes comprising of 3 Rented- 1 x 1 bed house and 2 x 2 bed houses and 1 Shared Ownership- either a 2 bed or 3 bed house.

It would be preferable for the homes to be built to the 'Nationally Described Space Standards', with the dwellings at least: 1 bed 2 person 2 storey, 2 bed 4 person 2 storey, 3 bed 5 person 2 storey. The policy also encourages homes that are capable of adaptation over time so it would be useful to understand whether any of these homes meet M42 or M43 standards. It would also be useful to understand if the homes are proposing any low carbon use or emissions initiatives, again encouraged in the Local Plan but not a policy requirement.

The applicant should seek to secure a Registered Provider (RP) for the affordable dwellings at the earliest opportunity. The Strategic Housing Team can provide a list of RPs with stock in the local area should the applicant require this. The applicant and RP should be prepared to enter into a Nominations Agreement with the Council to ensure that the rented homes are let to households from the Council's Housing Register.

Revised scheme 1

The applicant has submitted 3903-21 01D site plan which suggests that they are offering 6 x 3 bed houses for Intermediate Housing for the affordable housing contribution. Whilst this exceeds the 25% policy requirement, the applicant has not considered my previous comments to provide a mix of tenure and property sizes. Therefore, these current proposals do not accord with either Policy 17: Providing a mix of housing or Policy 18: Affordable Housing, and the applicant has not provided any reasoning for this.

Revised scheme 2

Further to my previous comments the applicant has now provided additional information on the affordable housing scheme in the "additional information re affordable housing" and the revised floor plans for the proposed affordable plots 10-15. Within this they propose 4 Rented dwellings, comprising of 2 x 1 bed houses and 2 x 2 bed houses and 2 Shared Ownership dwellings comprising of 2 x 3 bed houses. All of these are proposed at the nationally described space standards which is recommended but not a policy requirement. The proposed affordable housing scheme does now accord broadly with policy and will contribute to meeting housing needs in the area and district as a whole.

SHDC Building Control

Need clarification on waste collection and private drive is suitable for 18T fire appliance.

SHDC Environmental Services

No response received at time of writing.

LCC Highways & SUDS Support

Revised scheme 1

Requests that the Local Planning Authority request the applicants to provide additional information as set out below.

The simplified internal highway layout, with fewer private drives, is welcomed but the submitted Drainage Strategy relied, to a significant extent, upon the voided sub base under these private drives to provide the necessary storage of attenuated surface water run-off.

A revised Drainage Strategy will therefore need to be prepared and submitted for approval. Also, can the Applicant/Designer be asked to include a continuous footway link between the proposed development and the existing village footway network.

Revised scheme 2

No objection subject to a condition regarding the footway link across the highway verge on the east side of Crossgate Lane being provided, and informatives.

Welland & Deepings Internal Drainage Board

The Board's Gallery Walk Drain bounds the site along the north and west. It is proposed to culvert part of the northern dyke from the site entrance to connect to an existing culvert. This is agreeable in principle with the Board if planning permission were granted but would require an application to be submitted to the Board prior to any site works.

This is subject to the agreement of technical details, an environmental survey being provided to the Board as well as payment of a commuted sum.

The Board's Gallery Walk Drain is afforded the protection of a nine metre byelaw distance. Alongside the existing culvert in the Gallery Walk Drain to the north there is a spinney-type area which shows the remnants of an old building having been present. This projects out much further than the Board's nine metre byelaw distance and would need to be fully removed and the land made level to allow the Board to continue to access the drain for maintenance purposes.

The proposed surface water discharge restricted to two litres per second is agreeable with the Board in principle, subject to an application being submitted which is subject to the agreement of technical details, payment of the £50 application fee as well as payment of the £6,392.00 development contribution all prior to connection to the watercourse.

Anglian Water

Foul Water

We have reviewed the applicant's submitted foul drainage strategy Plan 21-181/01 Rev P4 and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage.

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.

Public

Objections and comment received (summarised):

Objections:

Originally submitted scheme

The impact on the Crossgate/Surfleet road junction will have an adverse effect;
Headlights shine straight through windows. Increase in traffic will also generate more unwanted glare;
Impact on unadopted roads;
Additional vehicles will have significant impact on the safety of this part of the road;
Solutions to the traffic impact must be solved satisfactorily before any consideration of this development begins;
Impact on identity of settlement;
Views across site to railway and views.

Revised schemes

Principle of development/overdevelopment of Pinchbeck
Outside settlement boundary
Not in keeping with the area
Should be bungalows behind existing bungalows
Highway safety and volume of traffic
Impact upon Crossgate to Surfleet road junction
Potential for increase in flooding
Lack of local facilities
Increase in travel by car - pollution
Noise and inconvenience during building and beyond
Inadequate fencing
Unsociable behaviour and crime
Loss of light
Loss of privacy
Noise
Impact on wildlife
Impact on dog walkers
Property values
Loss of a private view

Comments:

Provisions for Swifts.

Planning Considerations

The main issues in this case are:
Principle of Development
Layout and Design
Refuse collection
Highway safety and parking
Impact of neighbouring Residents/land users
Flooding considerations
Foul and Surface Water Drainage
Biodiversity
Developer Contributions

Principle of Development

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.

Although the site is outside the settlement boundary, the principle of the development of this site for up to 16 dwellings, is set by the outline consent H14-0912-17, referred to above.

It is considered that the development of this site can be accommodated without impacting detrimentally on the form and facilities of Pinchbeck.

There is no reason to consider that the principle and form of development proposed would lead to an increase in unsociable behaviour and crime.

Layout and Design

The layout and form of development has been amended since submission, and would provide for 16 detached dwellings, served from a public highway, with open space within and around the site. The density proposed is circa approximately 11dph. Whilst the development would alter the character of the immediate area, this is not considered a sufficient reason to warrant a refusal of planning permission. The site itself is surrounded by housing on three sides and it is considered that the scheme has been designed to have regard to its surroundings and its location on the edge of the settlement.

The mix of dwelling types would present a pleasant mixed form of development, and introduce an element of informality, rather than providing an urban street scene.

Objection has been raised to the layout and perceived lack of bungalows. The impact on adjoining residents is discussed below.

The landscaping of the site is going to be of great importance, and the intentions set out within the application, with a landscaping scheme showing field hedges supported by post and rail fences around the site. This would create a soft edge to the proposals, and provide a natural edge to the development.

Subsequent control of the installation of fences is suggested via conditions. Within the open space in the centre of the site, a mix of landscaping including trees is to be provided by this scheme. A condition requesting further details of biodiversity is also suggested.

Refuse collection

The development would be served by public highway, with a limited number of shared drives and everyone can conveniently place their bagged refuse at the curtilage with the public highway. It is considered that the refuse collection arrangements accord with Policies 2 and 3 of the SELLP.

Highway safety and parking

The application has been amended since submission to ensure that the road is adopted, and to provide a footpath link to the wider network.

The views of the LCC Highway Services are set out above. LCC raise no objection subject to a condition regarding the footway link across the highway verge on the east side of Crossgate Lane being provided, and informatives.

Given the response of LCC, it would be unreasonable to refuse reserved matters consent for the development of this site on the grounds of highway safety or capacity. The proposal therefore satisfactorily accords with Policies 2, 3 and 36 of the SELLP in terms of highway safety and parking requirements.

Impact on neighbouring Residents/land users

The development proposes a garden to garden relationship with existing adjoining dwellings, separated by the IDB easement strip and hedging. Sections have been requested to clearly demonstrate the levels differences and separation distances to adjoining dwellings. This in turn informs the extent of boundary treatments required.

The orientation of of dwellings has been designed to reduce undue overlooking, however the introduction of development of this site will introduce a but element; it is not considered that the separation distances and form of development is so harmful that consent could be withheld on this basis.

Conditions are suggested to retain and maintain the existing hedges, trees and vegetation along the boundaries of the site and details of any proposed maintenance measures shall be submitted to and approved.

It is considered that the layout and form of development accords with Policies 2 and 3 of the SELLP in terms of impacts on adjoining residents. Further conditions are suggested to ensure the submission of appropriate boundary treatments.

Objection has been raised regarding noise; it is not considered that the placing of residential development adjacent to existing residential development would lead to undue noise and disturbance to adjoining residents.

Noise during construction is by its nature temporary and Condition 20 of the outline consent requires to the submission and approval of a Construction Process Management Plan that can take in to account hours and methods of working and engagement with residents.

Flooding considerations

A Flood Risk Assessment was submitted to support the outline scheme, and finished floor levels etc are set by that. The sections requested demonstrate the levels to be achieved.

Foul and Surface Water Drainage

The details of foul and surface water drainage are to be formally submitted as a result of the conditions appended to the outline consent.

Landscape Impact and Biodiversity

The impact of the development on this part of Pinchbeck, being a rural boundary, is to be mitigated against by the boundary hedging. Further details are sought via condition and control is to be retained to prevent hard timber boundaries in the form of standard fencing being installed.

As set out above a condition regarding biodiversity is suggested. The biodiversity of the site is to be considered via augmented landscaping plans, and also via a condition to ensure Swift boxes.

Developer Contributions

Concerns relating to the provision, and strain on existing infrastructure are noted. However, there have been no objections from infrastructure providers.

Similarly, no financial contributions relating to the NHS or education were requested at the outline stage.

The applicant has shown provision for the delivery of policy-compliant 25% affordable housing units, in accordance with the S106 legal agreement, and the response of the SHDC Housing Strategy Team is set out above. The scheme has been revised to take in to account these requirements.

Other Matters

The matters of property values and the loss of a private view are not matters that can be given material weight.

Planning Balance

The application was considered by Chairman's Panel on 18 February 2022 and a delegated route to decision was agreed.

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. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 5, 6, 10, 11, 17, 19, 28, 30, 31, 32 and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021.

The 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

The proposal is considered acceptable for the reasons outlined 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.