

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 12 February 2020

(Author: Lucy Buttery - Principal Planning Officer)

Purpose: To consider Planning Application H13-1096-19

Application Number: H13-1096-19

Date Received: 11 November 2019

Application Type: RESERVED MATTERS

Description: Residential development - comprising 58 dwellings and associated works - outline approval H13-0844-17

Location: Land south: Roman Road Moulton Chapel Spalding

Applicant: Postland Developments Ltd

Agent: Mr Gordon Smith

Ward: Cowbit, Weston and Moulton

Ward Councillors: Cllr R Grocock
Cllr A Casson
Cllr A R Woolf

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H13-1096-19>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Significant development, objections received and an individual with an interest in the land is related to an SHDC employee.

2.0 PROPOSAL

2.1 This is a reserved matters application, relating to outline application H13-0844-17, for residential development comprising of 58 dwellings and associated works on land south of Roman Road, Moulton Chapel.

2.2 The proposed scheme comprises of 43 market units and 15 affordable units. The affordable mix includes 10 x rent (4 x 1 bed, 4 x 2 bed, 2 x 3 bed) and 5 x shared ownership (5 x 3 bed) - Approximately a 67/33% split.

2.3 A variety of house types and designs are proposed with dwellings ranging from 1-storey to 3-storey. These 3 storey townhouses are proposed to be confined to the centre of the site, forming a crescent around the formal central ornamental pond and open space. The properties adjoining the northern boundary would be predominantly 1 or 2-storey.

2.4 The site includes a single vehicle and pedestrian access to the north onto Roman Road, where the current commercial garage business will be demolished. The proposed estate road runs through the centre of the site with a number of private drives off to the north and south.

3.0 SITE DESCRIPTION

3.1 The site is approximately 2.9 hectares in size and is comprised of a commercial vehicle repair business directly adjacent Roman Road and agricultural land to the rear of properties/businesses on Roman Road, and Cekhira Avenue. The former village playing field is to the east, there are fields to the south and a Grade II Listed Mill is to the north-west.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 4 - Approach to Flood Risk
Policy 17 - Providing a Mix of Housing
Policy 18 - Affordable Housing
Policy 28 - The Natural Environment
Policy 29 - The Historic Environment
Policy 30 - Pollution
Policy 32 - Community, Health and Well-being
Policy 36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards

National Guidance

National Planning Policy Framework (NPPF), 2019

Section 2 - Achieving sustainable development
Section 8 - Promoting healthy and safe communities
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

National Design Guide

5.0 RELEVANT PLANNING HISTORY

5.1 H13-0844-17 - Outline application for proposed development of up to 58 houses with vehicular access (garages to be removed) (resubmission of H13-1280-16) (approved October 2018).

6.0 REPRESENTATIONS

6.1 Moulton Parish Council

The Parish Council will support this planning application providing that the plans are not changed and the developers stay with what they have applied for.

6.2 SHDC Building Control

Plots 57, 4-7, 21, 26-27, 30-31 and 44-48 exceed the distance that rubbish should be carried from a property under building regulations. Please also provide details on rubbish collection points.

6.3 SHDC Strategic Housing

No objection to proposed affordable scheme.

6.4 SHDC Conservation Officer

Having reviewed the block plan for the above application, I confirm that the comments of the previous Conservation Officer with regards the impact upon the nearby Grade II listed Mill still remain salient in that I do not consider this proposal to suggest any great risk to the setting or significance of Moulton Chapel Mill. The proposal is set back from the extant highway and therefore would not impact upon any views of the Mill from any portion of the public realm. In addition, the mill is already situated within a residential setting and so it cannot be argued that a development of this type would be out of keeping with the current setting of the mill and should not be considered to cause 'Substantial Harm' to the designated asset.

Considering the above, I do not wish to raise any objections at this time.

6.5 LCC Highways/SUDS

Does not wish to restrict the grant of permission.

6.6 South Holland IDB

Outlines the consenting process and supports the Lead Local Flood Authority's request that the applicant provide evidence that the riparian watercourse is adequate to convey the surface water discharged from this development.

6.7 Anglian Water

No objections. The site is within the catchment of the Cowbit Water Recycling Centre which currently does not have capacity to treat flows from the site. However, Anglian Water are obligated to accept the flows and take the necessary steps to ensure there is sufficient treatment capacity.

6.8 Lincolnshire Policy

No further comments to make beyond those submitted at outline stage.

6.9 Public

There have been 13 objections from members of the public. The key issues are summarised as follows:

- Concern re highway and pedestrian safety, increase in traffic and congestion and impact on existing poor condition of roads and footpaths
- Concern re proposed drainage method and existing drainage problems - surface water slow to drain and query re whether there is capacity at the sewage pumping station for the number of dwellings. Queries regarding the existing drain on the northern boundary and how it is shown on the plans; is it interrupted on the northern boundary or does it continue all the way along?
- Query re appropriateness of 2.5 and 3 storey properties in terms of character
- Standard type of dwellings proposed with no interesting design features
- Impact on privacy and loss of light, outlook and noise and disturbance during construction and subsequent occupation
- Hours of work during construction should be limited and noise restrictions should be imposed
- Request that a wall be constructed between a particular property and the proposed development for security and noise mitigation reasons
- Agricultural land should be used for growing crops, not housing
- Gardens look small
- Absence of any environmental benefits
- Local Plan earmarks the site for only 46 properties
- Villages will lose identity with additional development
- No public transport so cars are relied upon
- Concerns re lack of capacity at services and facilities and distance of some from Moulton Chapel
- Potential for increase in crime
- Wildlife and environment affected
- Impact on the Listed mill and St James Church

- What benefits would these dwellings bring to village character and community and local businesses
- Will there be houses for local people
- Loss of local garage
- Developer should not be allowed to renege on affordable housing or other s106 contributions

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 The principle of residential development on the site has been established by virtue of the outline consent.

Therefore the key matters to be considered are:

- Detailed layout and design;
- Access and highways concerns;
- Landscaping and open space;
- Drainage;
- Impact upon residential amenity;
- Affordable housing provision; and
- Other matters.

7.3 Design and layout

7.4 A variety of house types and designs are proposed with dwellings ranging from 1-storey to 3-storey. Queries have been raised regarding the appropriateness of 2.5 and 3-storey properties in character terms given that property types in the village are predominantly 1 and 2-storey. It is accepted that there are a number of larger properties proposed that are not generally reflective of typical development in Moulton Chapel however, it does not necessarily go that an application should be refused if a new development attempts to create its own character. In this case, a number of the proposed dwellings are more visually interesting and of higher quality design than is typically seen in the area and paragraph 127 of the National Planning Policy Framework (2019) makes it clear that developments should be visually attractive as a result of good architecture. Furthermore, there are also a number of dwelling designs incorporated within the scheme that are more reflective of existing development in the area. Moreover, the bulk of the site is located to the rear of existing development and so it is not considered that the proposed dwelling types would result in an impact on the character of the village so severe as to justify refusal of the application.

7.5 In terms of the location of the larger properties within the site, the 3-storey townhouses proposed would be confined to the centre of the site, forming a crescent around the formal central ornamental pond and open space. The properties adjoining the northern boundary, and thus existing residential development, would be predominantly 1 or 2-storey.

7.6 Dwellings would be accessed from either the adoptable estate road running through the centre of the site or from one of the private drives. Each dwelling has the required level of off-road parking space, in accordance with the parking standards in the Local Plan (Appendix 6).

7.7 Refuse collection would be a combination of kerbside for the main estate road and collection points for private drives. There is a condition on the outline approval for specific details of waste storage and disposal to be submitted prior to the commencement of the development.

7.8 It is accepted that the Local Plan indicates a capacity of 46 dwellings for this site, however the outline permission allows for up to 58 dwellings and, at outline stage, the Council's Planning Policy Team verbally confirmed that this number relates to a previous iteration of the Plan before it was adopted where the identified site was smaller.

7.9 Taking the above into account, it is concluded that the design and layout of the scheme accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; and size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect

the density, scale and massing of neighbouring buildings and the landscape character of the location.

7.10 Access and highways concerns

7.11 The site includes a single vehicle and pedestrian access to the north onto Roman Road, where the current commercial garage business will be demolished. Dwellings would be accessed from either the adoptable estate road running through the centre of the site or from one of the private drives. The Highways Authority have confirmed that the Banjo turning area at the east of the site is sufficient for a refuse vehicle to turn around.

7.12 Local concern has been raised about highway and pedestrian safety and the perceived inadequacy of the local highway network to cope with the development. However, outline permission has already been granted for residential development of the site and the Highways Authority have no objections to the proposal. On this basis, it is not considered that there is a defendable reason for refusal on highways grounds and the proposal is considered to be in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access and vehicle generation levels will be acceptable.

7.13 There is a condition on the outline approval that requires the developer to submit, and have approved, details for the junction (including the visibility splay) with Roman Road before any dwelling is commenced.

7.14 The level of parking provision is in accordance with the standards set out in Appendix 6 of the Local Plan.

7.15 Landscaping and open space

7.16 A pond which acts as a detention basin, thus forming part of the drainage strategy for the site, is located at the centre of the site. Formal open space is located either side of this and to the west and east of plots 52 and 40 respectively. Further areas of open space, which also have the ability to function as drainage features, are located on the southern boundary. The scheme also includes a tree lined 'avenue' from Roman Road into the site as well as tree planting and small hedges across the development. Overall, 20% of the site (0.57ha) is dedicated as open space, which is above the 0.1ha required by Policy 32 of the Local Plan. This is considered to be a suitable landscaping scheme for the site. The proposed scheme therefore complies with Policy 3 of the Local Plan in respect of its provisions on landscaping.

7.17 Drainage

7.18 Local concern has been raised regarding a number of drainage related matters. The proposal is for surface water to drain through permeable paving as well as the pond and swales, which will ultimately be discharged into the riparian watercourse on the eastern boundary. This eventually discharges into the South Holland IDB network. The Lead Local Flood Authority had queried whether the riparian watercourse is adequate to convey the surface water-run off from the proposed development. However, following the submission of additional information regarding this they have advised that they have no objections. Furthermore, the Internal Drainage Board has issued a Notice of Intention to Grant Consent to discharge surface water run-off into the watercourse.

7.19 In terms of foul water disposal, the site is within the catchment of the Cowbit Water Recycling Centre which currently does not have capacity to treat flows from the site. However, Anglian Water are obligated to accept the flows and take the necessary steps to ensure there is sufficient treatment capacity. They therefore have no objection to the proposal.

7.20 Queries have been raised regarding the drain adjacent to the northern boundary of the site and whether it continues along the entire boundary rather than being interrupted as the plans depict. The agent has advised that some of the drain has been filled in, which is the reason it appears as it does on the plan.

- 7.21 Given the above, it is considered that the proposed drainage scheme accords with Policies 2, 3 and 4 of the Local Plan which require proposals to provide appropriate means of drainage.
- 7.22 Impact upon residential amenity
- 7.23 Concerns have been raised by nearby residents regarding impact upon their amenity.
- 7.24 In terms of separation distances between dwellings, these are considered to be more than satisfactory. 21m and 24m are typically considered to be appropriate separation distances where there is a rear to rear relationship with 2 and 3 storey dwellings respectively. This can be reduced to 15m where there is a rear to side relationship. Considering this in the context of the proposed scheme, the existing properties fronting onto Roman Road and Cekhira Avenue (with the exception of 33 Roman Road) have long rear gardens of 20+ metres in length. Where existing and proposed properties sit rear to rear, the minimum separation distance would be 32m, which is far in excess of the typically accepted distances. In terms of those properties that sit with a rear to side relationship, all with the exception of 33 Roman Bank would be over 20 metres separation distance. Furthermore, of those two storey properties along that boundary that have this relationship, only plots 5 and 21 have a window at first floor and this would serve a bathroom, thus would be obscure glazed. 33 Roman Road does have a shorter garden but would be adjoined by a bungalow which would be offset from the rear elevation of that property. Given this and the single storey nature of that dwelling it is not considered that the new dwelling would be overbearing or that there should be issues of overlooking provided a suitable boundary treatment is installed (to be dealt with via a condition compliance application). It is therefore not considered that there would be a material adverse impact in terms of overlooking, loss of light or any of the properties being overbearing in nature.
- 7.25 Loss of outlook and noise generated by occupants of the new properties is a consideration but one which carries very limited weight in the planning balance.
- 7.26 There is a condition on the outline approval that a Construction Management Plan shall be submitted and approved prior to commencement of development on site. This will cover working hours and how noise generation during the construction period will be minimised. It falls to the developer to carry out the development in a responsible manner.
- 7.27 Boundary treatments will be the subject of a separate condition compliance application.
- 7.28 In terms of garden sizes, the smallest would be approximately 55m² which is not unusual for new build properties.
- 7.29 Overall, there are not considered to be any significant or demonstrable adverse impacts relating to residential amenity that would warrant refusal of this proposal. The proposal is considered to accord with Policies 2, 3 and 30 of the Local Plan in respect of their provisions on residential amenity.
- 7.30 Affordable housing provision
- 7.31 The outline application was granted subject to a s106 agreement for the provision of 25% of the site as affordable housing and a financial contribution toward healthcare provision. No education contribution was requested by the Local Education Authority. The developer is not seeking to amend the s106 contributions at present.
- 7.32 In light of comments made by Strategic Housing colleagues, an amended affordable housing scheme has been submitted by the applicant. In total, 15 (25.9%) affordable dwellings are proposed, comprising of 10 x rent (4 x 1 bed, 4 x 2 bed, 2 x 3 bed) and 5 x shared ownership (5 x 3 bed). This is approximately a 67/33% split of rent to shared ownership, which is broadly in accordance with Policy 18 of the Local Plan. No objections are raised to this revised affordable scheme.
- 7.33 A local planning authority cannot reasonably impose strict controls on who purchases a property, although given the size of the site it is expected that there would be sufficient

opportunity for local people to be able to purchase a home.

7.34 Other matters

- 7.35 A number of other concerns raised by objectors relate to the principle of development on this site and thus do not warrant consideration at reserved matters stage, including: Concerns regarding a lack of capacity at services and facilities and distance of some from Moulton Chapel; Loss of agricultural land; Loss of the local garage; and No public transport.
- 7.36 That there will be an increase in crime is an assumption at this stage and would be a matter for the police if such incidents were to occur.
- 7.37 As previously stated at outline stage, concerns raised regarding trees and wildlife are not considered to be an issue in this case. There are no protected trees within the vicinity of the site and no buildings/structure that would indicate the likelihood of protected species being present. As such, a protected species survey is not considered necessary in this instance. Clearly should anything arise during construction/demolition then protection is offered under separate legislation.
- 7.38 The presence of the Listed Mill to the north-west of the site has been taken into consideration in the proposed layout with dwellings being set back from the western boundary and a tree/landscaped avenue incorporated on that side. Furthermore, SHDC's Conservation Officer has no objections.
- 7.39 A combination of formal and less formal open space and landscaping are proposed as part of the scheme, including a tree lined avenue entrance feature and a central ornamental pond adjoined by green space. Small 'kickabout' areas are also incorporated at the south of the site. The central pond also forms part of a drainage scheme for the wider site. It is therefore not considered that there is an absence of any environmental benefits from the proposal.
- 7.40 There is a condition on the outline approval that requires details of the management of landscaping, open space, incidental open space, refuse/recycling collection points and private drives to be submitted before the commencement of the development.
- 7.41 Given the above, there is not considered to be any issues in relation to Policies 28 and 29 of the Local Plan.
- 7.42 **Additional Considerations**
- 7.43 Public Sector Equality Duty
- 7.44 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.
- 7.45 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.46 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.

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

7.48 Human Rights

7.49 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).

7.50 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.

7.51 Conclusion

7.52 Taking all of the above into account, the proposal is considered to comply with the local development framework and national planning policy.

7.53 The recommendation is therefore for the application to be approved.

8.0 RECOMMENDATIONS

8.1 **Authorised to grant permission subject to those Conditions listed at Section 9.0 of this report.**

9.0 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Plan
4531-D200A
2351-03A
2351-04A
2351-05
2351-06
The Ashton - Plans and Elevations
The Blakely - Plans and Elevations
The Chester - Floor Plans and Elevations
The Churchill - Plans and Elevations
The Darby - Plans and Elevations
The Eaton - 3 Bed Detached Bungalow
The Elton - Floor Plans and Elevations
The Fulton - Plans and Elevations
The Hornsby - Plans and Elevations
The Kinsley - Plans and Elevations
The Old Chapel - Plans and Elevations
The Stanton - Plans and Elevations
The Tyndall - Plans and Elevations
The Willoughby - Plans and Elevations
Garage Plans and Elevations
Street Elevations
Planning and Design Statement (prepared by Matrix Planning Ltd, dated 8th November 2019)
Flood Risk Assessment & Sustainable Drainage Strategy (prepared by MTC Engineering Ltd, Rev C, dated November 2019)
Correspondence from MTC Engineering Ltd re suitability of riparian drain (dated 20th January 2020)
Housing Mix Schedule and accompanying plan indicating affordable mix

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

Background papers:- Planning Application Working File

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Appendices attached to this report:

Appendix A Plan A

