

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H01-0236-24 **Applicant:** Seagate Homes

Proposal: Details of external materials, construction management, construction management plan, method statement, site/floor levels, foul water disposal and biodiversity enhancement measures (Conditions 3, 5, 6, 9, 14 and 18 of H01-1204-22)

Location: Mill Drove South Cowbit Spalding

Terminal Date: 9th May 2024

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
30	Pollution

National Guidance**National Planning Policy Framework 2023**

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed & beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of condition application providing details of external materials, construction management, construction management plan, method statement, site/floor levels, foul water disposal and biodiversity enhancement measures (Conditions 3, 5, 6, 9, 14 and 18 of H01-1204-22)

Condition 3 - External Materials

Condition 5 - Construction Management

Condition 6 - Construction Management Plan and Method Statement

Condition 9 - Site Levels

Condition 14 - Foul Water Disposal

Condition 18 - Biodiversity Enhancement Measures

Site Description

The application site lies to the west of Mill Drove South, within the defined settlement boundary of Cowbit. The site consists of part of a former rail yard on the western side of Mill Drove South. The land runs to approximately 0.54 hectares and is considered to be a brownfield site.

Planning permission was achieved for a residential development of 21 number dwellings.

History

H01-1204-22 - Residential Development comprising 21 dwellings. Approved 12-01-24

Consultation Responses

IDB

Surface Water

I note the applicant intends to discharge surface water from the proposed development to the Board maintained watercourse, B28 Parsons Dyke at the restricted rate of 5 l/s. I can confirm that the applicant has approached the Board for the above, which was granted under the reference 23_21883_C_NMA2, subject to compliance with the Board's conditions.

I note the presence of a Board Maintained watercourse, B28 Parsons Dyke (DRN193P2802) within the site boundary and that the applicant intends to culvert this watercourse and replace the existing culverted section to facilitate site access (Construction Management Plan, MDC-SH-CMP-AR-1010, Seagate Homes, February 2024). To enable this proposal consent is required under Section 23 of the Land Drainage Act 1991 (and byelaw 4). I am pleased to note that applicant has approached the Board and made an application for the above proposals. These were granted by the Board under the references 23_21884_C_NMA2 & 23_25178_C_NMA2, subject to compliance with the Board's conditions.

Infrastructure within 9m of watercourse

I note that the applicant intends to install gravel, drainage infrastructure and services within 9 metres of the aforementioned Board maintained watercourse. The applicant has approached the Board to make an application for consent under Byelaw 10, which has been granted under reference 23_21885_C_NMA2, subject to compliance with the Board's conditions.

Highways & SuDs

The details of external materials, construction management, construction management plan, method statement, foul water disposal and biodiversity enhancement measures (Conditions 3, 5, 6, 14 and 18 of H01-1204-22) submitted are acceptable in accordance with approved drawings and details submitted with this application.

Lincolnshire County Council as a Highway and Lead Local Flood Authority are unable to approve and discharge condition 9 (site/floor levels) imposed on H01-1204-22 until such time full details of the S38 Agreement are submitted and approved in writing by this Authority, in accordance with

those reasons imposed on the condition.

Subsequently the applicant has provided details of the technical agreement between the developer and Highways.

Environmental Protection

No objections

Planning Considerations

Condition 3 - External Materials

The applicant is required to submit:

Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority.

The applicant has provided an external materials schedule which consists of the following:

- Draycott Red Multi (Facing Brick) Plots 1-6 & 21
- Bourneville Buff (Facing Brick) Plots 7-20
- Sandtoft double rustic pantile Plots 1-8, 16 & 17
- Sandtoft Calderdale Slate
- Cedral Lap Cladding (Black)

The schedule of external materials that have been submitted are considered acceptable. The palette of materials would complement the scheme and be acceptable in regard to character. On this basis condition 3 is hereby discharged.

Condition 5 - Construction Management

The applicant is required to submit:

A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along Mill Drove South and residential amenity, along with hours of construction.

The applicant has provided a construction method statement. Environmental Protection have been consulted and have no comments to make. Therefore the discharge of condition 5 is acceptable on this basis.

Condition 6 - Construction Management Plan and Method Statement

The applicant is required to submit:

The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development

The applicant has provided both a construction method statement and construction management plan. Highways have been consulted and have no objections to the discharge of condition 6 on this basis.

Condition 9 - Site Levels

The applicant is required to submit:

Before the commencement of the development hereby permitted, full details of the existing and

proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority.

During the original planning application (H01-1204-22) site levels were requested by officers. The applicant provided a 'proposed section levels' drawing which showed the impact from plots 16 to 21 upon the existing properties fronting Mill Road South. The FFLs correlate with those that have been submit under this application. All of the dwellings retain the same position as previously approved. Therefore, whilst there may be some impact by way of overlooking from the proposed dwellings this impact was considered under H01-1204-22 and considered acceptable. Condition 10 of the same permission also stated that where ground levels exceeded 2.3m ODN then FFLs were to e 300mm higher. The applicant has shown that as the S38 requires the road level to be at a certain agreed height (the technical agreement has been provided as evidence) then the finished floor levels of these dwellings shown on drawing number 39511 are considered acceptable.

Plots 1- 8 are set at a height that would be comparable to dwellings to the west. This side of the site does not have the same topography discrepancy as it does with existing dwellings located to the east and these are therefore acceptable.

The applicant has provided evidence of the technical approval and the applicant has provided a commensurate suite of plans.

On this basis condition 9 is therefore discharged.

Condition 14 - Foul Water Disposal

The applicant is required to submit:

Before the commencement of any development hereby granted, full details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority, including full details of a scheme for the provision of mains foul sewage infrastructure on and off site

The applicant has provided detail of foul water disposal and the IDB have made comment, which is treated water directed to watercourse. The board have confirmed that consent was granted under 'r 23_21883_C_NMA2'.

On this basis it is considered that condition 14 can be discharged.

Condition 18 - Biodiversity Enhancement Measures

The applicant is required to submit:

Before the commencement of any development hereby permitted, full details of measures for biodiversity enhancement measures to be implemented in conjunction with the development, shall be submitted to and approved in writing by the Local Planning Authority

The applicant has provided an Ecological Enhancement Plan. The plans show location and type of proposed planting, hedgerows and shrubs as well a bat boxes, bird boxes and hedgehog openings. The details are considered acceptable.

On this basis the information is sufficient to discharge condition 18 of H01-1204-22.

Conclusion

Conditions 3, 5, 6, 9, 14 and 18 of H01-1204-22 are hereby discharged.

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.