

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H01-0250-24 **Applicant:** Seagate Homes

Proposal: Details of footway to connect the development to the existing footway network, estate road & footway finished surface levels, estate road phasing & completion plan, boundary treatments, cycle racks & surface water drainage scheme (Conditions 4, 7, 8, 11, 12 & 13 of H01-1204-22)

Location: Mill Drove South Cowbit Spalding

Terminal Date: 14th 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
05	Meeting Physical Infrastructure and Service Needs
30	Pollution
36	Vehicle and Cycle Parking

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

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of condition application providing details of estate road and footways levels, estate road phasing plan, boundary treatments, cycle parking and surface water drainage (Conditions 4, 7, 8, 11, 12 and 13 of H01-1204-22)

It should be noted that conditions 4 and 7 are compliance conditions and require the completion of works prior to occupation.

Condition 4 - Footway
Condition 7 - Estate Roads and Associated Footways
Condition 8 - Estate Road Phasing and Completion Plan
Condition 11 - boundary treatments
Condition 12 - Cycle Parking Provision
Condition 13 - Surface Water Drainage

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

Byelaw 3 (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. Whilst not currently proposed, I would like to take this opportunity to note that if the applicant intends to temporarily discharge water during the construction phase of the development (e.g. dewatering the site), temporary consent would be required under Byelaw 3.

Section 23

Land Drainage Act 1991 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.

Byelaw 10

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

No Objections Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application

Planning Considerations

Condition 4 - Footway

The applicant is required to submit:

No part of the development hereby permitted shall be occupied before the footway to connect the development to the existing footway network, as approved by drawing ref MDC-SH-PD-SP-1001 Rev J, is completed to binder course level. The footpath shall be completed to surface course level within three months of completion of the final property, hereby permitted

The footway is shown on the S38 layout plan which has received technical approval from Highways. Highways have also responded stating that they have no objections and find the submitted information acceptable. The condition cannot be discharged even if the applicant required it to. The works are acceptable and the condition remains extant, by the nature of its wording.

Condition 7 - Estate Roads and Associated Footways

The applicant is required to submit:

Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed up to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority

The estate roads and associated footways are shown on the S38 layout plan which has received technical approval from Highways. The levels are considered acceptable given highways approval is achieved. Highways have also confirmed that they have no objections. The works are acceptable and need to be carried out prior to the first occupation.

Condition 8 - Estate Road Phasing and Completion Plan

The applicant is required to submit:

The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

The applicant has provided a Construction Management and responsibility plan. Accompanying this is an email dated 28th June 2024 which sets out the phased approach. These are considered acceptable. On this basis condition 8 is discharged.

Condition 11 - boundary treatments

The applicant is required to submit:

Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority

The applicant has provided a updated boundary & external works plan. Accompanying this is a proposed section levels plan. The boundaries are raised higher at certain points to dilute unacceptable overlooking impacts from amenity areas and these are considered acceptable.

Therefore subject to the development being built out in accordance with these plans, condition 11 is considered acceptable and hereby discharged.

Condition 12 - Cycle Parking Provision

The applicant is required to submit:

Prior to the occupation of any of the dwellings hereby permitted, cycle racks shall be provided in the vicinity of the dwellings, in accordance with the design and positions which shall have been submitted to and approved in writing by the Local Planning Authority.

Cycle racks are shown on the boundary and external works plan and contain within each garden. This approach is acceptable. Condition 12 is therefore discharged.

Condition 13 - Surface Water Drainage

The applicant is required to submit:

The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The applicant intends to direct discharge surface water from the development to an IDB maintained watercourse. The IDB 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.

On this basis condition 13 is discharged.

Conclusion

Conditions 7, 8, 11, 12 and 13 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.