

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H02-0694-20	Applicant:	Ashwood Homes
Proposal:	Details of Conditions 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 of H02-0189-19)		
Location:	Crease Drove Crowland		
Terminal Date:	21st October 2020		

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
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPF

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC	0	0	0	1

ENVIRONMENT OFFICER				
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Condition compliance application to discharge conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of H02-0189-19. Not all of these conditions require the submission of details to be agreed, see the comments below of the Highway Authority in respect of conditions 3, 4, and 5. In addition the following conditions are prescriptive:

Condition 20, a 1.8m acoustic fence is shown on the boundary treatment details submitted in relation to condition 16 together with acoustic treatment to relevant plots on the layout plan 111-SL-01 Rev C;

Condition 21, finished floor levels comply with the requirement in the FRA to be set no lower than 2.6m AOD and this is demonstrated on the levels plan submitted in relation to condition 13;

Condition 22 submitted details demonstrate the water consumption of each dwelling would not exceed 110 litres per person per day.

History

H02-0189-19 Erection of 108 dwellings with associated garaging, roads and sewers - Approved 18 August 2020.

Consultation Responses

Crowland Parish Council

The Parish Council has inadequate technical knowledge to fully evaluate and therefore trust SHDC to

ensure that the adverse impact on the community, of which there is some, is minimised. This includes existing housing and community activities.

LCC Highways/SuDS

Condition 3 relates to highway improvements to Crease Drove. At the frontage of this site, these works will be expected to be undertaken by the two Developers who will be (are) undertaking residential developments on the land on the opposite side of Crease Drove (the Adcocks Land and the Hunter-Shaw Land). The drawings for these improvement works have been approved by the highway authority so that part of Condition 3 is satisfied. Work is expected to begin on the works shortly.

Condition 4 requires on-going compliance rather than being discharged at a single point in time.

Condition 5 requires the completion of the first section of estate road. That has not happened so this Condition is not considered to be discharged.

Condition 6 will need to be complied with when road construction begins

Condition 7 The Consultant for the Applicant/Developer has submitted technical details to the highway authority for approval and the checking process has begun but at this time is not completed. Subsequently confirmed no highways objection to SHDC accepting Condition 7 prior to LCC completing own technical check in order to meet the decision deadline provided Ashwoods agree to any changes that LCC may subsequently require.

Condition 10 the submitted details are acceptable to the highway authority.

LCC Historic Environment

Condition 9, requires a written scheme of archaeological investigation (WSI) to be produced and the document submitted here meets the requirements. Therefore recommend that condition 9 may be discharged.

Lincs Fire & Rescue

The Planning Condition relating to fire hydrants has been satisfied and may be discharged.

North Level IDB

No comment to make with regard to this application, it has previously made comments with regard to the original application number H02-0189-19.

SHDC Environmental Protection

No objection.

Anglian Water

No response.

Planning Considerations

The considerations in this case are whether the submitted details satisfy the requirements of the relevant conditions of the planning permission.

Condition 3 - The highways works in Crease Drove will be undertaken by others. Nothing to discharge at this stage, so removed from the application description. Applicant in covering letter states works to be programmed to comply with this condition with regards occupation of properties.

Condition 4 - Nothing to discharge at this stage, so removed from the application description. Details submitted demonstrate roads and footways would be constructed to an adoptable standard. Applicant in covering letter states works to be programmed to comply with this condition with regards occupation of properties and the specification on the submitted drawings is in line with Lincolnshire County Councils Development Road and Sustainable Drainage Spec May 2018.

Condition 5 - Nothing to discharge as prescriptive condition, so removed from the application description. Applicant in covering letter states works to be programmed to comply with this condition with regards occupation of properties.

Condition 6 - Submitted details are acceptable.

Condition 7 - In addition to detailed plans submitted, applicant in the covering letter states "the surface drainage scheme has been submitted to Anglian Water Services and Lincolnshire County Council Highways to enter into a Section 104 and Section 38 agreement. The scheme is therefore to be maintained and managed over the lifetime of the development by Anglian water and Lincolnshire County Council Highways. The development incorporates sustainable drainage principles by means of swales, filter drains and attenuation tanks. Surface water will be attenuated and released at a controlled rate into the local IDB system."

Still awaiting technical approval from LCC but given the level of detail submitted, it is considered that the submitted details are acceptable.

Condition 8 - In addition to detailed plans submitted, applicant in the covering letter states "foul water drainage will outfall into an existing adopted manhole on neighbouring site. The existing pump station will require additional storage to accommodate the foul flows from the proposed connection. The main sewers will be adopted by Anglian Water Services under a Section 104 Agreement."

No response received from Anglian Water, but as subject to a S104 agreement, it is considered that the submitted details are acceptable.

Condition 9 - LCC Historic Environment Officer has confirmed the submitted written scheme satisfies the condition.

Condition 10 - In addition to the Construction Management Plan drawing submitted, applicant in the covering letter states:

- "-Offloading of materials will take place off Crease Drove, materials either being placed onto the development where required or in the storage area.
- Storage of plant will be within the overall development. Either in the storage area or within the plot areas. The site will be fully fenced off with either 1.8m high Heras fencing or the permanent boundary fencing.
- Noise we do look to reduce disturbance to our neighbours as much as possible. We do not allow machinery to be used outside normal site operating hours. We look to use machinery which has noise reduction built in wherever possible. We will not allow machinery that is designed to have silencers fitted to be used without the manufacturer's silencer. Machinery that has defects should not be used. Excessive noise should not be created by operatives ie. Shouting across the site, use of loud radios and machinery left running when not in use.
- Operations that create noise above the Noise at Work Regulations lower exposure action level are kept to a minimum.
- Dust we use cutting equipment that has dust suppression.
- Site roads are regularly cleaned using suction road sweepers that can also apply water as they sweep.
- We do not allow material to be thrown from scaffold when finished with. Materials are loaded into skips placed on loading bays.
- Water will be applied to trafficked site areas during dry weather to suppress dust. Operations that have the potential to creating dust are not undertaken during windy periods.
- Vibration, we always look to use appropriately sized machinery for the task in hand with heavy machinery being the main cause of vibration on construction sites.
- Smoke we do not allow fires on our developments so smoke should not be an issue."

No objections from Environmental Protection, so this condition may be discharged.

Condition 11 - In addition to the Construction Management Plan drawing submitted, applicant in the covering letter states:

- "-Where ever possible machinery will be kept on hard surfaces.
- We have road sweeping attachments for the forklift on site which wash and collect spoil to enable the site roads and highway to be swept as required.
- We also have regular visits of suction road sweepers to reinforce the site facility.
- Should weather conditions require additional measures, we have a diesel pressure washer to wash down vehicles wheels before they leave the site."

These measures are considered acceptable so this condition may be discharged.

Condition 12 - set out in drawing 111-MCCP.01-REV.B and amended open space management plan from Encore. Confirmed responsible for refuse collection points. Submitted details considered acceptable.

Condition 13 - Levels vary across the site but all confirm with the requirements of the FRA. Only the northern element of the site relates relatively closely to existing residential development in Monk Meadow. The plots do not directly adjoin due to the 3m wide easement to the drain. Only 5 Plots 22 - 26 have the rear elevation facing north, the other Plots 1, 5, 6, 21, 27 & 36 the side elevations face north. The pair of semis on Plots 25/26 have equal highest FFL on the development at 3.4m AOD. Impact on residential impact was considered at planning application stage and concluded to be acceptable.

Condition 14 - The Biodiversity report submitted which includes a plan of bird and bat boxes positions. This is considered acceptable.

Condition 15 - Landscaping schedule and planting plans submitted. Very similar to landscaping approved on other developments by the same applicant elsewhere on Crease Drove. Considered

acceptable.

Condition 16 - majority of boundary treatment is 1.8m close-boarded fencing, including acoustic fencing to southern boundary to comply with the requirements of condition 20. There are brick walls to entrance plots and railings to the public open space where it fronts Crease Drove. Given the easement to the northern boundary it is not considered higher fencing is required due to the distances to the existing properties in Monks Meadow.

Condition 17 - submitted materials similar to those approved on the other developments on Crease Drove so are acceptable.

Condition 18 - one fire hydrant required and Lincs Fire & Rescue confirmed the condition may be discharged.

Condition 19 - cycle parking provision shown on 111-CSP.01. Either within garages or by means of a wall mounted padlock hasp. This is acceptable in order to discharge the condition.

Condition 20 - prescriptive condition not to be discharged - a 1.8m acoustic fence is shown on the boundary treatment details submitted in relation to condition 16 together with acoustic treatment to relevant plots on the layout plan 111-SL-01 Rev C.

Condition 21 - prescriptive condition not to be discharged - finished floor levels comply with the requirement in the FRA to be set no lower than 2.6m AOD and this is demonstrated on the levels plan submitted in relation to condition 13

Condition 22 - Prescriptive condition, so no need to discharge, however submitted details demonstrate the water consumption of each dwelling would not exceed 110 litres per person per day.

Conclusion

Subject to implementation requirements and the caveat from LCC highways regarding condition 7, the submitted details are satisfactory in terms of discharging conditions: 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19.

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.