DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0909-23**	**Applicant:**	**Seagate Homes (UK) Ltd**
Proposal:	Details of Construction Management Plan and Method Statement, estate road and associated footways, surface water drainage scheme, site levels & floor levels, external materials of buildings and hard surfaced areas, landscaping and tree planting, boundary treatments, management and maintenance schedule for the areas of landscaping, incidental open space, refuse/recycling collection points and parking courts/private drives (Conditions 3, 5, 7, 9, 10, 11, 12 & 13 of H02-0696-22)		
Location:	17 Barbers Drove North Crowland Peterborough		
Terminal Date:	8th January 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
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 places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This application is for the discharge of conditions attached to planning permission H02-0696-22. Details of Construction Management Plan and Method Statement, estate road and associated footways, surface water drainage scheme, site levels & floor levels, external materials of buildings and hard surfaced areas, landscaping and tree planting, boundary treatments, management and maintenance schedule for the areas of landscaping, incidental open space, refuse/recycling collection points and parking courts/private drives (Conditions 3, 5, 7, 9, 10, 11, 12 & 13 of H02-0696-22)

Original Permission - Residential Development of 41 dwellings, new site access, internal roads, footpath links and landscaping

Site Description

The site area is approximately 1.22ha and is largely grassed. Original Permission was achieved for a residential development of 41 dwellings, new site access, internal roads, footpath links and landscaping.

The site adjoins a small number of properties at its south western end. Some are bungalows on the opposite side of Barbers Drove face towards the site. To the north east are residential properties and Crowland Fire Station, with an IDB drain in-between. The south Eastern Boundary fronts James Road and an existing drain runs the length of that boundary, adjoining the IDB drain at the northern end.

History

H02-0696-22 - Residential Development of 41 dwellings, new site access, internal roads, footpath links and landscaping. Approved 09-10-23

Consultation Responses

Anglian Water
The surface water proposals show surface water is discharging via a headwall to a watercourse/ditch. This is outside Anglian Water's jurisdiction for comments

North Level IDB
My Board has no objection to the above application. The proposed new access has already been consented, together with a further drain to the northern boundary, and the proposed outfall from the attenuation pond. A development levy in accordance with the enclosed will be required for dealing with the additional run-off from the site.

Highways & SuDs
No objection: The highway authority has issued Technical Approval for the adoptable roads, footways and surface water drainage on this development. Therefore, the 'approval' parts of Conditions 5 and 7 can be regarded as having been satisfied. There will remain to be the execution of those works, in accordance with the approved details, to achieve full compliance with those

Conditions. The proposals set out in the Construction Management Plan and Method Statement are generally acceptable but within that Plan and Statement there is an intention to create a temporary construction access into the site from James Road that is presumably separate from the Consented access. The highway authority will consider the technical, operational and safety aspects of this additional access and issue consent if acceptable, but the Local Planning Authority may want to consider whether any formal Planning Consent may be required.

Crowland Parish Council
The Parish Council has no objections and leaves to the expertise of the planning department

Lincolnshire County Council (Historic Places)
No archaeological input required.

Environmental Protection
No objections

Planning Considerations

This application seeks to discharge Conditions 3, 5, 7, 9, 10, 11, 12 & 13 of planning permission H02-0696-22.
The conditions relate to:

-Condition 3 - Construction Management Plan and Method Statement
-Condition 5 - Estate Roads & Associated Footways
-Condition 7 - Surface Water Drainage Scheme
-Condition 9 - Site Levels Officer Assessment
-Condition 10 - External Materials Officer Assessment
-Condition 11 - Landscaping Officer Assessment
-Condition 12 - Boundary Treatments Officer Assessment
-Condition 13 - Maintenance and Management

Condition 3 - Construction Management Plan and Method Statement

Condition 3 was attached to planning permission H02-0696-22 in the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

The condition requires:
The Construction Management Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include;
- the phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors; - the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development; - wheel washing facilities;
- a strategy stating how surface water run off on and from the development will be managed during construction
- the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material, which shall not be undertaken via the existing residential road of Barbers Drove North and instead shall be accessed only via James Road.

The applicant originally provided a construction management plan (drawing reference JRC-SH-AR-CMP-1009) as well as a construction method statement. The Highway Authority have been consulted and have stated that "The proposals set out in the Construction Management Plan and Method Statement are generally acceptable but within that Plan and Statement there is an intention to create a temporary construction access into the site from James Road that is presumably separate from the Consented access. The highway authority will consider the technical, operational and safety aspects of this additional access and issue consent if acceptable, but the Local Planning Authority may want to consider whether any formal Planning Consent may be required."

Following discussion and that the temporary access itself is likely to require planning permission the applicant has revised the construction management plan showing that the approved access will be used for the access/egress to and from the site for construction vehicles, this is considered

acceptable. This condition was attached to ensure that the development accorded with policies 2 and 3 of the SELLP and condition 3 is hereby discharged.

Condition 5 - Estate Roads & Associated Footways

Condition 5 was attached to planning permission H02-0696-22 In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.

The condition requires:
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 to finished surface levels in accordance with details to be submitted and approved by the local planning authority

The applicant has shown the levels across the site on plan 12575-WMS-ZZ-XX-DR-C-39511-S3-P2. The application site is also subject to S38 and required to be built out to adoptable standards. The mitigation through legal requirement as well as the levels shown on plan are considered acceptable.

This condition was imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 7 - Surface Water Drainage Scheme

Condition 7 was attached to planning permission H02-0696-22 to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development. The condition requires:

Notwithstanding the submitted details 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 has provided a drainage strategy layout, S104 drainage construction details, gully catchment areas and a SuDs method statement. The North Level IDB have been consulted and have stated that they have no objections.
This condition was imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2023 and is hereby discharged.

Condition 9 - Site Levels Officer Assessment

Condition 9 was attached to planning permission H02-0696-22. To reduce the risk of flooding of the development and in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent development. The condition requires:

Notwithstanding the submitted details 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. The development shall be constructed and retained in accordance with the details so approved.

The applicant has provided a levels layout plan as well as section levels plan. The proposals in terms of flooding are considered acceptable. In terms of the impact upon amenity the closest property is number 17 Barbers Drove North. Plot number 34 would be located in close proximity and is set on a higher finished floor level, almost a metre discrepancy between the finished floor levels of the two dwellings (existing and proposed), there would clearly be an impact upon the existing property, however in mitigation the relationship is a side by side arrangement of the proposed and existing dwelling, the proposed dwelling is also located to the north of the existing property. Impacts would therefore relate to more overbearing that overshadowing. Given that a two storey dwelling is already approved on this footprint, the finished floor level proposed only plays a small part in the impact upon residential amenity impact. The relationship has been considered acceptable given the north location of the proposal and the side by side arrangement of the two properties. The relationship with all other existing dwellings is considered acceptable.

Furthermore condition 8 of the original permission required finished floor levels to be at a minimum of 2.3m AOD plus 0.3m resilience built in, this totals 2.6m AOD. The levels are in conformity with this requirement.

This condition was imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 10 - External Materials Officer Assessment

Condition 10 was attached to planning permission H02-0696-22. To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
The condition requires:

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 development shall be constructed in accordance with the materials so approved.

The applicant has provided an external materials schedule dated 06.09.2023. These palates of materials are considered acceptable. This condition was imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 11 - Landscaping

Condition 11 was attached to planning permission H02-0696-22 to ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set, and that Biodiversity Net Gain will be achieved.

The condition requires:

Before the commencement of the development hereby permitted beyond oversite, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

The applicant has provided a 'landscaping and management plan' the document provides information on ongoing maintenance as ownership. It also shows a mix of landscaping strategies including the planting of native hedgerows. The scheme would provide enhanced habitats for local wildlife and given the existing biodiversity value on site is likely to provide a net gain. The scheme also shows waste collection points. The information provided in this document is considered acceptable.

This condition was imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021 and is hereby discharged.

Condition 12 - Boundary Treatments Officer Assessment

Condition 12 was attached to planning permission H02-0696-22 in the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.
The condition requires:

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, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

The applicant has provided a 'boundaries and external works plan' showing the scheme of hard and planted boundaries. These are considered acceptable.

This condition was imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 13 - Maintenance and Management

Condition 13 was attached to planning permission H02-0696-22 to ensure that adequate provision is made for the management and maintenance of those areas. The condition requires:

Before the commencement of development hereby permitted, details of the management and maintenance schedule for the areas of landscaping, incidental open space, refuse/recycling collection points and parking courts/private drives shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be maintained in accordance with the approved details.

The applicant has provided a maintenance responsibilities plan which is considered acceptable. This condition was imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Conclusion

It is therefore considered that conditions 3, 5, 7, 9, 10, 11, 12 & 13 of H02-0696-22 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.