DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-1050-23**	**Applicant:**	**Ashwood Homes Ltd**
Proposal:	Details of surface water drainage, construction management plan & method statement, estate road phasing, site & floor levels, contamination of land or pollution of controlled waters, verification report of contamination of land or pollution of controlled waters, management & maintenance schedule, landscaping & tree planting, boundary treatments, external boxes for gas and electricity supplies, Preliminary Ecological Appraisal, swift nest bricks & water consumption (Conditions 4, 5, 8, 9, 11, 12, 13, 14, 15, 16, 17, 19 ,20, 21 of H02-1006-21)		
Location:	Land Off Peterborough Road And Harrington Drive Crowland Peterborough		
Terminal Date:	23rd 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
05	Meeting Physical Infrastructure and Service Needs
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 & beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
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	1

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions 4, 5, 8, 9, 11, 12, 13, 14, 15, 16, 17, 19 ,20, 21 applications attached to planning application H02-1006-21. The conditions relate to:

-Condition 4 - Surface Water Drainage Strategy
-Condition 5 - Construction Management Plan and Method Statement
-Condition 8 - Estate Road Phasing and Completion Plan
-Condition 9 - Site levels and proposed floor levels of the buildings
-Condition 11 - Land Contamination
-Condition 13 - management plan for the areas of publicly accessible open space and any outdoor play areas
-Condition 14 - management and maintenance schedule
-Condition 15 - landscaping and tree planting
-Condition 16 - Boundary Treatments
-Condition 17 - external boxes for gas and electricity supplies

Conditions 12, 19, 20 and 21 are compliance conditions that do not require discharge.

Site Description

The application site is located on the southern extent of Crowland between Peterborough Road, Harrington Drive and James Road. The site area measure circa 1.24 ha and formed open paddock land prior to the approval. The site is located within the settlement boundary for Crowland.

History

H02-1006-21 - Erection of 42 dwellings with associated parking, garages, roads and sewers. Approved 03-10-23

Consultation Responses

North Level IDB:
No objections

Highways and SuDS Support:
The Section 38 submission has now been granted technical approval; they will need to ensure that the drawings submitted to you to discharge the outstanding highway conditions are in accordance with the drawings that have been granted tech approval

Environmental Protection:
No concerns

Crowland Parish Council:
Due to the complexity of the conditions the parish council do not feel confident to comment on each individual technical detail.

Planning Considerations

Condition 4 - Surface Water Drainage Strategy

Condition 4 relates to the attachment of a surface water drainage strategy. It requires the applicant to provide:
Notwithstanding the submitted details contained within the application, 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 submitted information in relation to the section 104 requirements, including general arrangements, layout, catchment areas, benching details etc. The IDB have been consulted and have no objections finding the submitted details acceptable.

The condition is 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 5 - Construction Management Plan and Method Statement

Condition 5 relates to the attachment of a Construction Management Plan and Method Statement. It requires the applicant to provide:

measures to protect residential amenity, mitigate against 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 submitted the following information:

-Construction and Traffic Management Plan

The plan includes notes relating to the control of dust, noise management, site phasing, Parking and deliveries and site working hours. The Highway authority have been consulted and have confirmed they are satisfied with the information submitted to discharge condition 5.

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 8 - Estate Road Phasing and Completion Plan

Condition 8 relates to the Estate Road Phasing and Completion Plan. It requires the applicant to provide:

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 submitted the following information:

-S38 General Arrangements

The site access is proposed to be built first and adoptable roads as part of the first phase of works. Following that the second phase will allow the development of dwellings using these adopted roads as Haul Roads, preventing impact to existing residents and road users. This is considered acceptable.

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

Condition 9 - Site levels and proposed floor levels of the buildings

Condition 9 relates to the site levels and proposed floor levels of the buildings. It requires the applicant to provide:
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)

The applicant has provided the following information:

External Works sheets 1 & 2 as well as site section plans.

The finished floor levels of dwellings are shown to be set at 2.1m AOD, this is a requirement of EA condition 10 attached to the original permission. The site sections show that the dwellings located at this height would not give rise to unacceptable character or amenity impacts and would accord with the EA requirements in relation to flood risk.

This condition was imposed in accordance with Policy 4 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 11 - Land Contamination

Condition 11 relates land contamination. It requires the applicant to provide:

The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA)
The applicant has submitted the following information:

Ground Investigation report as well as ground gas report.

Environmental Protection have been consulted and have stated that there are no concerns following the submission of information. It is therefore considered that the information provided is considered acceptable.

This Condition was imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 13 - management plan for the areas of publicly accessible open space and any outdoor play areas

Condition 13 relates to the management plan for the areas of publicly accessible open space and any outdoor play areas. It requires the applicant to provide:

management plan for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted beyond oversite

The applicant has submitted the following information:

Management Plan Company Conveyancing Plan

The plans show the areas to be maintained by the management company as the highway filter strip. The POS and landscape buffers are confirmed to be maintained by a management company.
This condition was imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019

Condition 14 - management and maintenance schedule

Condition 14 relates to the management and maintenance schedule. It requires the applicant to provide:

Details of the management and maintenance schedule for the areas of landscaping, incidental open space, refuse/recycling collection points and parking courts/private drives

The applicant has submitted the following information:

Harrington Drive Maintenance Schedules by Ashwood Homes.
The document shows how public open spaces, landscaping and roads will be managed and maintained. The document is considered acceptable.

This condition was imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire

Local Plan, 2019.

Condition 15 - landscaping and tree planting

Condition 15 relates to the landscaping and tree planting for the site. It requires the applicant to provide:

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.

The applicant has provided:

Landscaping Plan/schedules, Drive schedules and drive maintenance

The landscaping proposals show the location of refuse collection points, the positioning of trees and areas of planting. This is read along side the landscape schedules which describe the species of trees/shrubs and a further maintenance document shows how these will be managed/maintained. 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

Condition 16 - Boundary Treatments

Condition 16 relates to boundary treatments. It requires the applicant to provide:

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

The applicant has provided:

Boundary Treatment Plan

The plan shows the type and location of boundaries across the scheme. These are considered appropriate and would provide an acceptable level of amenity for residents and not detract from the character of the overall scheme.
This condition was imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Condition 17 - external boxes for gas and electricity supplies

Condition 17 relates to the location of external boxes , vents and pipes. It requires the applicant to provide:
positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes
The applicant has provided:

Elevations of dwellings, combined services layout.

The position of external boxes shown on these plans are acceptable. They would not lead to unacceptable impacts in relation to character or amenity and so 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.

Conclusion

Conditions 4, 5, 8, 9, 11, 13, 14, 15, 16, & 17 applications attached to planning application H02-1006-21 are hereby discharged. Conditions 12, 19, 20 and 21 are compliance conditions that do not require discharge.

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.