

## DECISION DELEGATED TO HEAD OF PLANNING

|                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                   |                          |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|--------------------------|
| <b>Application No:</b> | <b>H02-1051-23</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Applicant:</b> | <b>Ashwood Homes Ltd</b> |
| <b>Proposal:</b>       | Details of surface water drainage, construction management plan & method statement, site & floor levels, scheme to deal with contamination of land or pollution of controlled waters, verification report, management & maintenance schedule, landscaping & tree planting, evergreen planting/screening for Plots 4 & 5, boundary treatments, external boxes for gas & electricity supplies, preliminary ecological appraisal, swift nest bricks & water consumption details (Conditions 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16 & 17 of H02-0166-22) |                   |                          |
| <b>Location:</b>       | Land Off Peterborough Road And Harrington Drive Crowland Peterborough                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                   |                          |
| <b>Terminal Date:</b>  | 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  |
| 06         | Developer Contributions                            |
| 28         | The Natural Environment                            |
| 30         | Pollution                                          |
| 31         | Climate Change and Renewable and Low Carbon Energy |
| APPENDIX 6 | Parking Standards                                  |

#### 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 and 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        |

|                                           |   |   |   |   |
|-------------------------------------------|---|---|---|---|
| NORTH LEVEL<br>INTERNAL DRAINAGE<br>BOARD | 0 | 0 | 0 | 1 |
| OTHER STATUTORY<br>BODIES                 | 0 | 0 | 0 | 1 |

## **CASE OFFICER ASSESSMENT**

### **Proposal**

This application is for the discharge of planning conditions relating to 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 of planning application. H02-0166-22.

Condition 4 - Surface Water Drainage

Condition 5 - Construction Management Plan and Method Statement

Condition 6 - Site Levels

Condition 8 - Contamination of land

Condition 9 - contamination of land

Condition 10 - management and maintenance

Condition 11 - landscaping and tree planting

Condition 12 - Planting/screening

Condition 13 - Boundary Treatments

Condition 14 - external boxes for gas and electricity supplies

Conditions 9, 15, 16, 17 are compliance conditions that do not require discharge.

### **Site Description**

The application site is located within the settlement boundary for Crowland as identified by the SELLP proposals map. The site measures approximately 0.20 hectares. Planning permission was approved for 5 dwellings (located within a wider site), the dwellings are detached and front Peterborough Road.

### **History**

H02-0166-22 - Erection of 5 dwellings with associated garages and external works. Approved 03-10-23

### **Consultation Responses**

#### **LCC Highways**

**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.

#### **North Level IDB**

**No objections**

#### **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

Condition 4 of planning permission H02-0166-22 relates to the submission and agreement of a surface water drainage strategy. It requires the developer 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 provided Section 104 drainage details, including layout, catchment areas, benching details, flood routing plan amongst other things. The LLFA and IDB have made comment that they have no objections. The details are therefore considered acceptable.

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.

### Condition 5 - Construction Management Plan and Method Statement

Condition 5 of planning permission H02-0166-22 relates to the submission and agreement of a Construction Management Plan. It requires the developer to provide:

*The Construction Management Plan and Method Statement shall indicate 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 provided a construction management plan as well as external works sheets. Whilst Environmental Protection have failed to respond in this instance they have comments upon a scheme for 5 dwellings located close to this site (H02-1052-23) that is covered by the same approach to CMP. Therefore these details are considered acceptable.

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

### Condition 6 - Site Levels

Condition 6 of planning permission H02-0166-22 relates to the submission and agreement of site levels. It requires the developer 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), shall be submitted to and approved in writing by the Local Planning Authority.*

The applicant has provided external work sheets as well as site sections. The nearest property to this scheme is number 6 Harrington Drive. There is a triangular piece of land that separates that property from the rear amenity of the nearest proposed dwelling. This boundary is also lined with planting. The closest property which is a corner plot fronting Peterborough Road and Harrington Drive is located a considerable distance from the existing dwelling (Number 6 Harrington). The dispensary in finished floor levels is mitigated by the intervening land use and separation distance. The proposal is to be built to 2.3m AOD in accordance with EA standing advice and the existing dwelling is at 1.5m AOD. Despite this the design and positioning of the proposed scheme would not have an undue impact upon amenity or character.

This Condition is imposed in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the NPPF and is hereby discharged.

### Condition 8 - Contamination of land

Condition 8 of planning permission H02-0166-22 relates to the land contamination. It requires the developer to provide:

*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*

The applicant has provided a Ground Investigation Report as well as ground gas report. Whilst Environmental Protection have failed to respond in this instance they have commented upon this document relating to a scheme for 5 dwellings located close to this site (H02-1052-23). Therefore these details are considered acceptable.

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

#### Condition 10 - management and maintenance

Condition 10 of planning permission H02-0166-22 relates to the submission and agreement of a Management and Maintenance Plan. It requires the developer 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 provided a maintenance schedule plan which show how the above areas are managed and maintained. This approach is considered acceptable.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

#### Condition 11 - landscaping and tree planting

Condition 11 of planning permission H02-0166-22 relates to the submission and agreement of a landscaping and tree planting. It requires the developer 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 a landscaping plan, drive schedules and drive maintenance plan. This level of information is considered acceptable.

This Condition is 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 - Planting/screening

Condition 12 of planning permission H02-0166-22 relates to the submission and agreement of a planting and screening plan. It requires the developer to provide:

*Prior to the occupation of Plots 4 and 5, details of evergreen planting/screening (including the height of planting) to be provided in the corners of Plots 4 and 5 where they meet the boundary of 6 Harrington Drive shall be submitted to, and approved in writing by, the Local Planning Authority.*

The applicant has provided a landscaping plan and boundary treatment plan, drive schedules and drive maintenance plan. The plans show how the screening will protect number 6 from unacceptable levels of visual intrusion and is 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 - Boundary Treatments

Condition 13 of planning permission H02-0166-22 relates to the submission of boundary treatments. It requires the developer to provide:

*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 boundary treatment plan shows an acceptable scheme of treatment. The boundaries would not

give rise to character issues and mitigate amenity issues and are therefore acceptable. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

#### Condition 14 - external boxes for gas and electricity supplies

Condition 14 of planning permission H02-0166-22 relates to the submission of details relating to external boxes. It requires the developer to provide:

*Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes*

The applicant has provided elevational drawings as well as a service layout. These are considered acceptable.

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

#### **Conclusion**

Therefore planning conditions 4, 5, 6, 8, 10, 11, 12, 13 & 14 of planning application. H02-0166-22. Conditions 9, 15, 16 & 17 are compliance are remain extant.

#### **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.