

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H02-1071-20 **Applicant:** Blackjack Estates Ltd.

Proposal: Details of enabling phase remediation scheme, remediation method statement, existing & proposed site levels, foul & surface water disposal, external materials, boundary treatment, landscaping, position of meter boxes and storage & disposal of refuse (Conditions 3, 4, 9, 10, 11, 12, 13, 14 & 15 of H02-0901-18)

Location: 35 Peterborough Road Crowland Peterborough

Terminal Date: 20th January 2021

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

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed 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
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	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	2	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of enabling remediation phase scheme, remediation method statement, existing & proposed site levels, foul & surface water disposal, external materials, boundary treatment, landscaping and storage & disposal of refuse (Conditions 3, 4, 9, 10, 11, 12, 13, 14 & 15 of H02-0901-18).

Site Description

As original application.

History

H02-0987-20 - Details relating to contamination (Condition 3 of H02-0901-18) (Approved December 2020)

H02-0901-18 - Full planning application for the proposed erection of 5 dwellings and garaging (approved April 2020)

Consultation Responses

Crowland Parish Council - The Parish Council are pleased to see this site being developed. The Parish Council look forward to communication from the developers re the bus shelter.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

Anglian Water - No objection to the surface water from the development being connected directly into the Anglian Water sewer in front of the site.

North Level IDB - No objection in principle but a development levy will be required for dealing with the increase in surface water runoff which ultimately discharges into the Board's Greenbank Drain.

SHDC Environmental Protection - I have reviewed the Sherwood Environmental 'CONSTRUCTION PHASE REMEDIATION METHOD STATEMENT 35 Peterborough Road Crowland Ref.1009/JH/RMSv2' dated December 2020 and recommend discharge of condition 4a of H02-0901-18 with part b remaining outstanding.

Public (2 objections received, summarised) -
- Impact on privacy due to changes from 2018 plans
- Concern regarding impact of surface water off-site

Planning Considerations

Condition 3 (Enabling Phase remediation) - This condition has already been discharged via application ref. H02-0987-20.

Condition 4 (Remediation Method Statement for Construction Phase Remediation) - SHDC's Environmental Protection Officer has no objection to the submitted details.

Condition 9 (Existing and proposed levels) - The site itself is being raised mostly by around 1m, with the exception of the front of the site which will slope down to the adjoining footway. The raising of levels across the majority of the site is both as a flood risk mitigation measure and due to the need to create a 'cover' layer as a result of previous contamination issues. The impact of raising levels on neighbouring amenity is discussed further below in relation to boundary treatments. The visual impact on raising the floor levels of dwellings was considered as part of the original application.

Condition 10 (Drainage details) - Both foul and surface water will connect indirectly into Anglian

Water's foul sewer network via an existing private manhole on site. Anglian Water have no objection to this approach. Ordinarily, discharge to a sewer would be the least preferable option, however there are no watercourses in close proximity to the site in which to discharge to and the previous use of the site precludes the use of soakaways. The proposed approach is therefore acceptable.

Condition 11 (Materials schedule) - Proposed external materials for dwellings are TBS New Town Red bricks for Plots 1, 2, 4 and 5, with TBS Hayfield Buff for Plot 3, and anthracite concrete tiles. Render is to be light grey, with anthracite windows and rainwater goods. External doors and garages are to be dark green in colour. The bricks will be in keeping with the traditional red brick typically seen in South Holland, whilst a more modern appearance is created through the use of grey render and windows. There are no objections to this approach.

Condition 12 (Details of boundary treatment) - As previously mentioned, the site itself is being raised mostly by approximately 1m, with the exception of the front of the site which will slope down to the adjoining footway. The proposal is for 1.8m high close board fencing to the side and rear of properties, with the base being level with the new ground levels. This will be adequate to prevent overlooking of neighbouring properties. Concern has been raised regarding the proposed arrangement of fencing on the southern side of Plot 4 in relation to the property and associated annexe on Penwald Close to the south. In terms of impact on this property, it is noted that there is an intervening footway and its rear garden aligns with the position of the the driveway to Plot 4. Along this extent there would be 1.2m high wrought iron railings (2.2m high in total taking into account raising of levels) and it is not considered that there would be a material overbearing, overlooking or overshadowing impact resulting from this arrangement.

Condition 13 (Landscaping) - In terms of soft landscaping, an attractive scheme of shrub and tree planting is proposed to the front and side of the dwellings, as well as areas of turf. Rear gardens will comprise of slabbed areas and turf, with tree planting. Drives are to be block paved, with the majority of the extent of the private drive being of tarmac construction. Overall, the proposed landscaping scheme is considered appropriate for the site.

Condition 14 (Domestic Accoutrements) - All meter boxes to be on side elevations and SVPs on rear roof slopes and are therefore not in prominent positions.

Condition 15 (Details of refuse storage) - To be stored in rear gardens until collection day. Plots 3 - 5 are to have a dedicated bin presentation area at the front of the site, adjacent to the public highway. Plots 1 and 2 will present refuse/recycling kerbside in the usual way.

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.

Conclusion

Taking the above into account, it is considered that Conditions 4, 9, 10, 11, 12, 13, 14 and 15 of H02-0901-18 can be discharged.