

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H04-1104-20	Applicant:	Ashwood Homes
Proposal:	Details of Conditions 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 & 21 of H04-0508-19. The works required by conditions 7, 8 and 9 cannot be discharged at this time.		
Location:	Towndam Lane Donington Spalding		
Terminal Date:	19th February 2021		

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
12	Reserve Sites
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of Conditions 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 & 21 of H04-0508-19. Full details of conditions is given below.

Originally this application was submitted to discharge the Details of Conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 & 21 of H04-0508-19, however Conditions 5 and 10 were subsequently withdrawn from the application on 11. Feb 2021, by the applicant.

Site Description

As host consent.

History

H04-0508-19. Erection of 136 dwellings with associated garaging, roads and sewers. APPROVED. 26-11-20.

Consultation Responses

LCC Highways & SUDS Support

No objection.

SHDC Environmental Protection

No objection.

Anglian Water

Foul Water Comments: The foul proposals are acceptable to Anglian Water and can therefore recommend discharge of drainage condition 11.

Black Sluice Internal Drainage Board Comments were made regarding Condition 10, however this Condition was withdrawn from the application.

Third Parties

One objection:

Not enough amenities within the area to sustain such a large amount of houses and people moving to the village.

There are not enough spaces in the schools or services such as doctors and dentists for this influx of people.

The houses will also cause the privacy of my home to be compromised with the houses being so close to the existing ones. Traffic to and from the properties will also be an issue due to the narrow roads around the location.

The building process will cause disruption for existing residents and cause damage such as cracking in existing houses from the impact of lorries and other vehicles needed in the process. It will obstruct the view for the existing properties and mean that their once secluding homes and gardens are now overlooked and blocked by more houses.

Should the plans be approved, could it be that the park area that is planned is put the other side closer to the existing houses in order to provide more of a distance between the original and new builds?

Overall, the village is at capacity with the number of residents versus the services and schooling it can provide, more houses will only add to that strain.

One comment:

Would like to know that as this is for 136 dwellings, what is happening with the local over subscribed primary and secondary school. We do not have doctors or dentist in the village. Will they be contributing towards extra classrooms and more local facilities.

Planning Considerations

Condition 3 - A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along Towndam Lane and residential amenity.

The submission is acceptable and this condition can be discharged. The details submitted are in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Condition 4 - Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before commencement of the construction of the development and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development.

The submission is acceptable and this condition can be discharged. The details accord with with Policy 3 of the South East Lincolnshire Local Plan, 2019.

Condition 6 - The development hereby permitted shall include the provision of a 2.0 metre wide footway for the whole of the site's frontage to Towndam Lane to connect the development to the existing footway network. The works, as approved by the Local Planning Authority, shall also include appropriate arrangements for the management of surface water run-off from the highway.

The submission is acceptable and this condition can be discharged. The details accord with with Policies 2, 3 and 33 of the South East Lincolnshire Local Plan, 2019.

Condition 7 - Before each dwelling is occupied, the roads and footways providing access to that dwelling, for the whole of its frontage from an existing public highway, shall be constructed to a

specification to enable them to be adopted as Public Highway, less the carriageway and footway surface courses. The carriageway and footway surface courses shall be completed within three months from the date upon which the erection is commenced of the penultimate dwelling (or other development as specified).

No matters to discharge.

Condition 8 - No dwelling shall be commenced before the first 50 metre of estate road from its junction with the public highway, including visibility splays, have been completed to binder course level.

No matters to discharge.

Condition 9 - 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.

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

Condition 11 - Before the commencement of the development hereby granted, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

The foul proposals are acceptable to Anglian Water and can therefore be discharged. The details accord with with Policy 30 of the South East Lincolnshire Local Plan, 2019.

Condition 12 - The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

No matters to discharge at present.

Condition 13 - Prior to the commencement of the first use of the development hereby permitted details of provision for the storage/parking of at least 2 bicycles for all approved dwellings shall be approved in writing by the Local Planning Authority.

The submission is acceptable and this condition can be discharged. The details accord with with Policy 36 of the South East Lincolnshire Local Plan, 2019.

Condition 14 - 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) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing.

The submission is acceptable and this condition can be discharged. . This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

Condition 15 - 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 issue raised regarding overlooking relates to an adjacent dwelling that has sufficient length of garden to maintain an acceptable level of privacy to the dwelling, and it is not considered that

consent could be reasonably withheld. The submission is acceptable and this condition can be discharged. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Condition 16 - An equipped children's play area shall be provided within the site. The timing of the implementation, location, detailed design, layout, specification of the equipment, and the management and maintenance regime of the play area shall be submitted to and approved in writing by the Local Planning Authority. The play area shall be provided in accordance with the details so approved, and thereafter so maintained.

The submission is acceptable and this condition can be discharged. This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

Condition 17 - 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 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 submission is acceptable and this condition can be discharged. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Condition 18 - Prior to the commencement of the development hereby permitted beyond oversite, a plan illustrating all areas of publicly accessible open space shall be submitted to and approved in writing by the Local Planning Authority. The areas so approved shall be laid out and made available for use in accordance with a specification and phasing that shall first be agreed in writing by the Local Planning Authority, and shall thereafter be so maintained.

The submission is acceptable and this condition can be discharged. This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

Condition 19- A 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 management of these areas shall be carried out in accordance with the details so approved.

The submission is acceptable and this condition can be discharged. This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

Condition 20 - 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 submission is acceptable and this condition can be discharged. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Condition 21 Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.

The submission is acceptable and this condition can be discharged. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Other Matters

The objections raised by third parties largely relate to issues previously addressed by the host application, as addressing issues of principle, detailed siting of dwellings and S106 developer

contributions.

Conclusion

Approve.

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.