DECISION DELEGATED TO HEAD OF PLANNING

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|---|---|---|---|
| **Application No:** | **H05-0497-23** | **Applicant:** | **Geda** |
| **Proposal:** | Details of proposed boundary treatment/screening, finished surface levels, estate road phasing & completion plan, surface water drainage scheme, foul water drainage strategy, construction management, publicly accessible open space, children's play areas, open space/outdoor play area management plan, landscape management and maintenance, storage and disposal of refuse and recycling, contamination of land or pollution of controlled waters and ecological survey (Conditions 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17 (parts i-iii) and 18 of H05-0468-18). | | |
| **Location:** | 50 Fleet Road Fleet Spalding | | |
| **Terminal Date:** | 15th November 2023 | | |

## Planning Policies

**South East Lincolnshire Local Plan - Adopted: March 2019**

| | |
|---|---|
| 02 | Development Management |
| 03 | Design of New Development |
| 04 | Approach to Flood Risk |
| 28 | The Natural Environment |
| 30 | Pollution |
| 31 | Climate Change and Renewable and Low Carbon Energy |

**National Guidance**

**National Planning Policy Framework 2023**

Section 2. Achieving sustainable development.
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 |
|---|---|---|---|---|
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| SOUTH HOLLAND INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | 0 | 0 | 0 | 2 |
| OTHER STATUTORY | | | | |

| | | | | |
|---|---|---|---|---|
| BODIES | 0 | 0 | 0 | 2 |

## CASE OFFICER ASSESSMENT

### Proposal

The application is to discharge details of proposed boundary treatment/screening, finished surface levels, estate road phasing & completion plan, surface water drainage scheme, foul water drainage strategy, construction management, publicly accessible open space, children's play areas, open space/outdoor play area management plan, landscape management and maintenance, storage and disposal of refuse and recycling, contamination of land or pollution of controlled waters and ecological survey (conditions 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17 (parts i-iii) and 18 of H05-0468-18).

### Site Description

The site (approx 1.7 ha) was formerly agricultural land to the rear of residential properties situated on the southern side of Fleet Road. Residential properties are situated to the north and open land to the east. Phase 1 (55 dwellings) is currently under construction to the west .

### Relevant History

H05-1183-16 - O/A - Residential development - 55 dwellings including demolition of existing house - Approved 25 January 2018 subject to S106 planning agreement dated 15 January 2018.

H05-0468-18 - O/A - Residential development (Phase 2) - 25 dwellings (access via Phase 1 approved by virtue of planning permission ref. H05-1183-16) - Approved 1 April 2019 subject to a S106 planning agreement.

H05-0670-20 - RM - Residential Development - 55 dwellings including demolition of existing house - outline approval H05-1183-16 - Approved 11 October 2021.

H05-1168-21 - Cond Comp - Details of boundary screening, roads & footways, surface water drainage, foul water disposal, construction management plan, plan illustrating areas of publicly accessible open space, landscape management & maintenance schedule, means & storage of refuse & recycling and scheme to deal with contamination & pollution (Conditions 5, 6, 9, 10, 11, 12, 15, 16 & 18 of H05-1183-16) - Approved 1 March 2022.

H05-1209-21 - Cond Comp - Details relating to estate road & associated footways & finished surface levels, management plan for open spaces & outdoor play areas and protected species survey (Conditions 8, 14 & 19 of H05-1183-16) - Approved 28 February 2022.

H05-0066-22 - Modified Agreement - Modification of 106 Agreement to update clause 8.10 (mortgagee in possession to bring into line with current policy) - relating to planning approval H05-1183-16 - Approved 27 June 2022.

H05-0204-22 - S73 - Residential Development - 55 dwellings including demolition of existing house - approved under H05-1183-16. Modification of Conditions 7 & 8 relating to highway & footpath details - Approved 30 June 2022.

H05-0303-22 - RM - Residential Development of 25 Dwellings (Phase 2) outline approval H05-0468-18 (with access via Phase 1 approved by virtue of planning permission H05-1183-16) - Approved 20 February 2023.

H05-0439-22 - NMA - Residential Development - 55 dwellings including demolition of existing house - approved under H05-0670-20. Amendments to swale design - Approved 12 May 2022.

H05-0446-22 - S73 - Residential development - 55 dwellings including demolition of existing house - approved under
H05-0670-20. Modification of Condition 1 to allow amendments to previously approved plans - Approved 25 July 2022.

H05-0770-22 - S73 - Residential Development - 55 dwellings including demolition of existing house - approved under H05-0670-20. Modification of Condition 1 to allow amendments to previously approved plans - Approved 2 November 2022.

H05-0147-23 - Cond Comp - Details of children's play area - (Condition 11 of H05-0770-22) - Approved 5 April 2023.

H05-0526-23 - S73A - Residential Development - 55 dwellings including demolition of existing house - approved under H05-0770-22. Modification of Condition 4 relating to boundary treatment in north-west corner of the site - Under consideration.

**Consultation Responses**

Lead Local Flood and Highway Authority

No objections. Details acceptable.

SHIDB

The Board has granted Land Drainage Consent for Phase 1 of this development. I recommend that the applicant submits an application for the necessary Land Drainage Consent for Phase 2 of this site as soon as possible.

Environmental Protection

Noise - Ensure no noisy working or operating of heavy machinery takes place prior to 7.30 am to protect amenity of neighbouring properties.

Contamination - No objections to discharge of parts i), ii) and iii) of condition 17.

Anglian Water

The foul strategy as outlined in Drainage sheets 1 and 2 is via a gravity regime and is acceptable to Anglian Water.

Lincolnshire Bat Group

No comments/objections

**Planning Considerations**

Condition 5 (proposed boundary treatment/screening)

The existing ground levels on the site generally vary between 3.2m (northern boundary) and 2.7m aOD approximately and the ground generally falls gradually from north to south.

The dwellings on plots 1-4 are set well back (approx. 49m) from the northern boundary. The road level at this point would be in the region of 4-4.2m aOD and finished floor levels of plots 1-4 set between 3.9 and 4.1m aOD. The closest dwelling to the northern boundary is a semi-detached house on plot 25 (FFL 4.20m aOD) which is some 22 metres from the boundary with a bathroom window on its northern elevation at first floor level. The area of public open space adjoining the northern boundary would remain at a similar level (approximately 3-3.1m aOD). Two metre fencing is proposed along the northern boundary which is considered satisfactory given the separation distances involved and the depth of neighbouring gardens to the north. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking/lack of privacy.

Condition 6 (construction and finished surface levels of estate road)

The application is accompanied by drawings relating to engineering layout, etc. The applicant will need to enter into a separate S38 agreement with LCC Highways concerning this matter. The latter have been consulted and have concluded that the submitted details, in so far as they relate to highways and surface water drainage, are satisfactory and therefore does not wish to object to this application.

Condition 7 (estate road phasing & completion plan)

The application is accompanied by drawings relating to engineering layout, etc. The applicant will need to enter into a separate S38 agreement with LCC Highways concerning this matter. The latter have been consulted and have concluded that the submitted details, in so far as they relate to highways and surface water drainage, are satisfactory and therefore does not wish to object to this application.

Condition 8 (surface water run-off)

A SUDs system would be utilised with a surface water outfall (2l/s - greenfield rate) to a South Holland Internal Drainage Board maintained and owned watercourse (K04 Devils Hill) along the southern boundary of the site. This will require separate land drainage consent from the SHIDB under their Byelaw 3, along with works within 9 metres of a watercourse (Byelaw10).

The applicant has also included a filter drain along the northern boundary of the site to prevent overland flows entering third party land. This will also require Land Drainage Consent in line with the Board's byelaws (specifically byelaw 3).

The SHIDB raise no objections in principle, but recommend that land drainage consent is sought prior to determination of this application. This is considered to be an unreasonable request in this case since it is a separate regulatory matter. Nevertheless, a note should be attached drawing the applicant's attention to the Board's comments and the requirement to comply with the Board's byelaws.

Condition 9 (foul drainage) - Foul water would be disposed of via the mains sewer. Anglian Water has indicated that the foul strategy is acceptable.

Condition 10 (construction management plan)

A detailed Construction Management Plan (CMP) has been submitted which includes details of access and egress, site parking (no obstruction on public roads), a material storage area, wheel washing, noise/dust/smoke suppression, etc. LCC Highways has raised no objections.

Working hours would be 7.00am to 6pm Mon-Fri and 8am to 2pm on Sat/Sun, where required. This is consistent with Phase 1, which is still ongoing. Given this fact, it would therefore be unreasonable to alter starting times to 7.30am as requested by Environmental Protection. It would also be difficult to monitor/enforce if starting times varied for each phase.

Condition 11 (public open space)

All areas of publicly accessible open space are shown on the submitted site layout plan. Landscaping details have been approved as part of the reserved matters application (ref. H05-0303-22). The application is accompanied by a Landscape Management Plan which outlines a comprehensive management strategy for the public open spaces.

Condition 12 (play area)

A Local Equipment Area for Play (LEAP) is proposed, which includes 5 no. individual play items (Planet Jungle "The Cloud", Single Zigzag Twister, Basket Mini Swing, Galaxy Spring Mobile and Switchback Run) and grass mats. Fencing, seating, signage and litter bins are also to be provided.

The equipped play area is approximately 400sqm and is located more than 20 metres from the front facade of a dwelling. It is in an accessible and safe location and exceeds the minimum requirements specified within the Fields in Trust's Guidance for Outdoor Sport and Play. The latter reflects advice within the National Planning Policy Framework.

A landscape/equipment maintenance specification has also been provided, which is considered

acceptable.

Condition 13 (management plan for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules.)

The application is accompanied by a Landscape Maintenance Specification which outlines a comprehensive maintenance regime for the public open spaces. It would be administered by the Kaplan Properties or their agents upon completion of the development.

Condition 14 (landscape management and maintenance schedule)

The application is accompanied by a Landscape Management Plan, which is considered to be satisfactory. The landscape management plan would be administered by Kaplan Properties or their agents.

Condition 15 (refuse storage)

The development is served by an adoptable road. Refuse would be stored within the respective properties and put out on collection day in accordance with normal practice.

Condition 17 (contamination)

Environmental Protection have reviewed the submitted information and are in general agreement with the findings. They therefore recommend discharge of parts i, ii & iii of condition 17of H05-0468-18, with part iv remaining outstanding.

Condition 18 (ecological survey to determine the presence, or otherwise, of protected species on site).

The application is accompanied by a protected species report which concluded that there is some potential within the study area for nesting birds and roosting bats. A Bat Emergence and Activity Survey Report has also been carried out. It indicates that there was no evidence of bat activity within the original dwelling on site. Lincolnshire Bat Group has raised no objections.

The ecological survey also recommends mitigation/enhancement measures, including the following:

Breeding birds - to avoid conflict with potential ground nesting birds it is recommended that the hay meadow field is managed throughout the winter period to reduce and cut the tall grassland prior to the commencement of the development in March to maintain a short sward. If this cannot be undertaken then a survey for the presence of breeding birds should be undertaken prior to the commencement of works in March.

Bats - The features found within the roof covering of the existing dwelling are located along the southern elevation. This is the most ideal orientation for bats during the activity season as it attracts warm sunlight during the daytime hours. These features are considered to be of low potential for bats and therefore a single emergence and activity survey should be undertaken during the activity season of May to September 2022. The building is to be used as temporary site accommodation during the construction phase of the development and therefore the emergence and activity survey can be undertaken in May/June 2022 prior to its demolition. This work will not confine or constrain the main site development works or prevent site works commencing in March 2022.

The previously approved landscaping scheme includes bio-diversity enhancement measures such as wild flower meadows/nature conservation areas.

Conclusion

That conditions 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17 (parts i-iii) and 18 of H05-0468-18 be discharged.