DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-1124-21**	**Applicant:**	**Belmont Contractors Ltd.**
Proposal:	Residential development of 9 dwellings - approved under H05-1235-18. Modification of Condition 10 relating to Flood Risk Assessment.		
Location:	Land Off Old Main Road Fleet Hargate Spalding		
Terminal Date:	18th February 2022		

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 3. Plan making.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
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.
Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	1

HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	2	0	0	3

CASE OFFICER ASSESSMENT

PROPOSAL

Full planning permission was granted for 9 dwellings on 21 February 2019 (ref. H05-1235-18). The scheme consisted of 6 no. 3 bed houses and 3 no. 4 bed houses. Condition 10 of the permission is as follows:

Condition 10 - The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:
- Finished floor levels shall be set 300mm above existing ground level;
- Flood resilient construction shall be incorporated within the development up to 300mm above finished floor level in accordance with DCLG document "Improving Flood Performance of New Buildings - Flood Resilient Construction", 2007.

This application is to allow finished floor levels (FFLs) to be raised above 300mm for drainage reasons within the site, which slopes down from Old Main Road. The reasons for doing so are expanded upon later in the report (see Information from Applicant's Agent).

Following concerns expressed the application has been amended to allow finished floor levels to be raised above 300mm, other than plots 8 and 9 which would remain at approximately 300mm and rely upon a private drainage pumping system for those plots. The application also originally included a modification of condition 17 to allow commencement of construction of the dwellings prior to completion of the first 50 metres of the estate road from its junction with the public highway. This element has now been removed from the application.

Details have also been submitted relating to outstanding conditions on the original permission (ref. H05-1235-18) such as existing/proposed ground levels, boundary treatment, landscaping, landscape management plan, construction management, tree protection measures, drainage works within the spread of the trees including 2 no preserved Oak trees, estate road details, re-location of the bus stop, foul/surface water drainage, contamination and archaeology.

SITE DESCRIPTION

The site (some 0.44ha) is grassland located on the northern side of Old Main Road, Fleet Hargate. Hedging and a bus stop are located along the site's frontage. A drain and a number of trees

(including 2 preserved Oaks) are situated along its northern boundary.

A house (Haven House) is located to the east along the frontage. Garden associated with Suffolk House and a bungalow (Staughton Lodge) are also located to the east further to the rear. Etna House is situated to the north-east and a bungalow (Amendoeiras) to the north beyond trees and shrubs along the northern boundary. A bungalow is situated to the west (Broadlands). Residential properties are situated on the opposite side of Old Main Road.

RELEVANT PLANNING HISTORY

H05-0372-17 - Full - Residential development - erection of 9 dwellings - Granted 5 November 2018.

H05-1235-18 - Full - Residential development of 9 dwellings (Re-submission of H05-0372-17) - Granted 21 February 2019.

H05-0459-20 - Condition Compliance - Details of Conditions 3, 4, 6, 7, 8, 9, 11, 12, 14, 15, 18, 19, 20, 21, 22 and 23 of H05-1235-18 - Still under consideration.

REPRESENTATIONS

Fleet Parish Council

No comments received.

Cllr P. Coupland

Original comments as follows:

1. Floor levels of properties to the north of the site appear to have been raised, if plot garden levels also rise we could well see flood water running onto existing neighbouring properties. Needs careful assessment. Why do they need to be raised? Condition 9 covers this point and will expect our planning dept. to fully exercise due diligence.
2. Condition 17. This condition shown on approval H05-1235-18 does not need changing. It's paramount no construction traffic parks on Old Main Rd. It's a busy road with bus stops adjacent and on street parking due to this authority approving 4 new residential units opposite this new road access in the last 3years with no on-site parking! This condition must apply from start to finish.
3. Some drawings show the route of the agreed storm water flow as agreed at a site meeting with us all, some drawings show an alternative route. All drawings need to show the agreed route across the field and not dog legged around the bungalows.
4. Bus stop needs moving westwards, prior to any works commencing on site.
5. Condition 2 states 'no dwelling shall be occupied until the surface water drainage scheme has been completed'. That means all roads, properties and hardstandings can be built and discharging into the system that does not have an outfall, that will undoubtably cause flooding to the site and neighbouring properties, This I believe is a problem not taken on board by planning officers at the time of assessment and would ask this matter be addressed. All future applications need careful assessment going forward with perhaps changed wording in the condition saying 'surface water drainage scheme to be completed prior to commencement of any properties on site.' This site is unique in as much the storm water scheme is complex involving different land owners, two developers, two sites, the LCC and SHIDB.

Comments in respect of latest amended plans:

1. The decision by the applicant to retain condition 17 to construct 50m of metalled access road and splays is
sensible for all the reasons we discussed at last Chairman's Panel;
2. It now appears the only level change is a drop in FFLs to plots 8 and 9 by around 300mm thus helping overlooking issues and tall fence heights to eastern boundary.

It appears also road/footpath levels are to remain the same, some 900mm above ground levels at rear of plots 8 and 9 creating a catchment area for flood water to run onto neighbouring properties, something all of us aired concerns about at the last meeting.

We need to mitigate the risk of this undoubted flooding happening and the 100% way to do this is an engineered

concrete retaining wall set into the ground and protruding, installed along the eastern boundary. Flood water should
not be allowed to penetrate through this wall and so the gravel boards proposed to bottom of fencing will not be
suitable. Fencing can be mounted on top of the retaining wall.

LCC Highways/SUDs

No objections.

South Holland Internal Drainage Board

The Board considers the details to be satisfactory and has issued a consent to discharge surface water run-off to a watercourse.

SHDC Nature Conservation Officer

There are a number of significant trees on the northern boundary which should be retained, including two Oaks the subject of Fleet Hargate TPO No. 8, 2017. Development should ensure their protection.

Environmental Protection (ref. H05-0459-20)

In general agreement with the findings and recommend discharge of part ii of condition 22 of H05-1235-18. The Ground Gas Report sets out the general requirements for the ground gas protection measures recommended; however, site specific details of the proposed ground gas protection measures and the proposed validation methods should be submitted in order to discharge part iii.

Anglian Water (ref. H05-0459-20)

The foul water drainage strategy is acceptable.

LCC Archaeology (ref. H05-0459-20)

Confirm that the written scheme of archaeological investigation meets our requirements.

Public

Objections/concerns received from local residents (summarised):

- Overlooking;
- Raised floor levels will increase overlooking, causing loss of privacy to neighbours;
- A watercourse is designed to cross the fields northwards towards the A17 culvert, which is maintained by LCC Highways division. This culvert runs into a junction drain situated at the end of Lowgate. The junction and adjacent culvert have had no maintenance in the past 19 years and is overgrown/blocked by debris;
- Plots 8 and 9 lower than rest of site. Flood water will run onto neighbouring property and also into garages;
- Site road should be fully constructed before full scale building work is undertaken;
- Surface water drainage works into adjacent field and dykes should be completed prior to main works being carried out to prevent localised flooding;
- Bus stop shown in different positions. Best position would be to the west of the new estate road nearly opposite the existing bus shelter;
- Question time period in respect of amended plans;
- Request Swift nesting boxes.

Information from Applicant's Agent

Plots 8 & 9 - We have amended the proposed finished floor levels to be circa 300mm above the existing ground levels in accordance with the current planning permission. This means that the rear gardens to these plots can now be the current levels so there is no change in ground levels in this area. We are also now proposing a 1.8m standard close board fence to this boundary. This should remove any issues relating to overbearing, surface water run off etc. We will need to pump the drainage through private pumping stations and this is reflected on the submitted drawings.

Adopted Road & Drainage - It was a request of the Local Authority when first consulted that the road was adopted and this is reflected in correspondence and the engineering design submitted as part of the condition compliance and S73 application. The design at the moment is to minimum drainage gradients to achieve attenuation (reduce flood risk) and provide a fully compliant Anglian Water adopted foul and surface water system. The only way to reduce the level of the road at the northern side of the site would be to include a pumping station but Anglian Water require significant pump compounds which would simply make the site unviable by virtue of the space and exclusion zone they require. It is possible to have a private pump but Highways would not accept this because they don't allow private apparatus in their Highways so would then not adopt the road. At this stage I cannot see how we could deliver an adopted road to the Local Authorities requirements without it being to the current design.

PLANNING CONSIDERATIONS

The main issues in this case are:
- Whether revision of condition 10 is acceptable in terms of the relationship of the development to neighbouring property and also flood risk;
- Whether the submitted details relating to outstanding conditions attached to H05-1235-18 are acceptable.

A house (Haven House) is located to the east along the frontage. Garden associated with Suffolk House and a bungalow (Staughton Lodge) are also located to the east further to the rear. Etna House is situated to the north-east and a bungalow (Amendoeiras) to the north beyond trees and shrubs along the northern boundary. A bungalow is situated to the west (Broadlands). Residential properties are situated on the opposite side of Old Main Road.

The houses on plots 4, 8 and 9 in particular are relatively close to the boundaries. In respect of plot 4, it has a blank elevation on its rear elevation facing south-west. Rear first floor windows facing Staughton Lodge on Plot 8 serve an en-suite, landing and bathroom respectively. Plot 9 has no first floor windows on its southern elevation facing Haven House. Plots 5, 6 and 7 are some distance from the rear of the neighbouring property to the north (Amendoeiras) and there is tree cover/planting along the northern boundary.

Old Main Road immediately in front of the site is in the region of 4.43m aOD. The highest part of the site is 4.30m aOD alongside the road sloping down to 3.25m aOD approximately in the north-eastern corner. The eastern boundary slopes from 3.65m aOD immediately behind Haven House to 3.25mm aOD approximately in the north-eastern corner. The finished floor level (FFL) of Plot 1 fronting Old Main Road would be 4.35m aOD, which would be approximately 500mm above existing ground level. Plots 5-7 at the rear would have FFLs of 4.45m aOD and 4.425m aOD respectively, which is approximately 1.1 metres above existing ground level.

The dwelling on plot 8 adjoining Staughton Lodge would have a FFL of 3.62m aOD (as opposed to 4.2m aOD previously) and the dwelling on plot 9 would be set at 3.84m aOD (as opposed to 4.025m aOD previously). Ground levels in relation to the rear gardens associated with plots 8 and 9 remain fundamentally unaltered and finished floor levels would be in the region of 300mm above existing ground level. Profuse planting presently exists along the rear boundary between the site and properties to the north. 2 metre high fencing is recommended along the eastern boundary adjoining Staughton Lodge and rear garden associated with Suffolk House. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc, subject to mitigating conditions.

Concerns have been expressed over possible surface water run-off onto neighbouring land to the east due to raised levels. This has been addressed by lowering the levels of the rear garden areas associated with plots 8 and 9 to that presently existing. As a precautionary measure it is also recommended that closeboarded fences along the rear and side boundaries of the dwellings on plots 8 and 9 be set on dwarf walls to prevent water from transgressing onto neighbouring property. Surface water drainage facilities (eg, a drainage channel or French drain) are also recommended along the frontage of the dwellings on plots 8 and 9 to prevent ponding at this point during periods of heavy/prolonged rainfall. These matters can be addressed by means of conditions.

Details submitted relating to other conditions attached to H05-1235-18

Condition 3 (External Materials) - The proposed bricks are Wrekin Dark Red (plots 1, 4, 5 and 8)

and Wrekin Buff (plots 2, 3, 6, 7 and 9). All would have Sandtoft Calderdale Slate Grey roofs with black rainwater goods.

Period properties within the streetscene are mainly constructed in a traditional red brick. More contemporary properties are varied, with the neighbouring two properties being constructed in a buff brick. Plot 1 is of traditional design. Consequently, a red brick is considered satisfactory. The remaining properties are a mixture of red and buff bricks, which is considered acceptable. A dark grey roofing material is considered appropriate.

Condition 4 (Window Frames) - The window frames on the front elevation of plot 1 would be hardwood sliding sash painted white. The remaining window frames would be hardwood casement (white painted) in accordance with condition 5 of H05-1235-18. The submitted details and sections are considered acceptable.

Condition 6 (External Doors) - The external doors would be hardwood and the front doors would be painted either black, green or blue. The details are considered acceptable.

Condition 7 (Landscaping) - Existing trees at the rear are to be retained, including two mature Oak trees the subject of Fleet Tree Preservation Order no. 8, 2017. Additional tree planting is proposed at the site's entrance (Malus Tschonoskii and Sorbus "Joseph Rock"), plus shrub planting within the site. The existing frontage hedging needs to be removed to accommodate the new roadway. The submitted scheme is considered satisfactory.

Condition 8 (Boundary Treatment) - Closeboarded fencing set on a dwarf wall (total height 2 metres) is recommended along the eastern boundary adjoining Staughton Lodge and garden associated with Suffolk House. 1.2 metre high post and rail fencing is proposed along the northern boundary to enable access to the existing drain if required. It will also minimise root damage to the nearby trees. There is extensive tree planting along this boundary which forms an effective screen in relation to the properties to the north. 1.8m high fencing is proposed along the western boundary.

Condition 9 (Site/Finished Floor Levels) - This matter has already been discussed in relation to condition 10.

Condition 11 (Landscape Management Plan) - A management plan has been submitted which indicates that landscaped areas outside of the individual plot purchasers' boundaries will require ongoing maintenance and management throughout the lifetime of the development. A management company will be formed, to which all plot purchasers will be a part of and will pay a nominal fee each year. A landscape gardener/maintenance company will be employed periodically to carry out the required maintenance of the relevant areas.

Condition 12 (Construction Management) - A construction method statement has been submitted which provides details of hours of operation, working practices to alleviate noise, dust, vibration, security, site/construction traffic, etc. Hours of operation would be 07.30 to 17.30 hours Monday to Friday and 09.00 to 12.30 hours on Saturdays.

The Construction Management Statement indicates the following:

"All vehicles are to be inspected by the Site Manager prior to leaving site to ensure that mud/ debris is not trafficked onto Old Main Road. Where required vehicles are to be jet washed prior to entering the public highway to ensure that mud is not deposited on the road."

"Deliveries to site of construction materials and or specialist machinery should be carried out within the site including all loading and off-loading. Materials and machinery are to be stored within the construction compound to allow for free passage of vehicles along Old Main Road. Site personnel vehicles are to be parked within the site in the construction compound and all vehicles are to follow the above wheel wash arrangements. No vehicles are to be parked along Old Main Road in the interests of highway safety and residential amenity."

Environmental Protection (Noise) raise no objections.

Condition 14 (Tree Protection Measures) - Condition 14 states the following:
Those trees to be retained on site shall be protected during construction work as follows:
i) chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained in accordance with details to be submitted to and approved in writing by the Local Planning

Authority before any dwelling is commenced. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made,
ii) no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;
iii) no services shall be routed under the spread of the crowns of the trees to be retained;
iv) no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority;
v) if any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

A Tree Protection and Method Statement has been submitted which outlines measures to ensure the protection of the trees, including the two preserved Oaks. They include the erection of barriers and ground protection within root protection areas.

The application also indicates that the open drain along the northern boundary of the site will remain open and no soil levels around the trees would be raised or altered. If/when drainage works are carried out within proximity of the trees an arboriculturist will be on site as per the method statement. Fencing along the rear boundary would be solely post and rail and not closeboarded. The Council's Nature Conservation Officer agrees that soil levels should not be raised and that an arboriculturist should be present when works are carried out close to the trees. Trees within the vicinity of the northern dyke would be transferred to the plot purchasers. A management company would be appointed to maintain the drain.

Condition 13 stipulates that "none of the existing trees on the site, including the two preserved Oaks, shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. If any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority."

These measures are considered sufficient to ensure the protection of the existing trees along the rear boundary.

Condition 15 (Drainage Works Within Spread of Trees) - The proposal includes the regrading of the drain on whose bank the existing trees grow (including the preserved Oak trees) to make it flow from the east to the west, and for a new drain connection to be made under the canopy of the western Oak tree for the waters to be diverted towards the A17. This will involve excavation beneath the canopies of the preserved trees with the potential to damage the roots of the trees, which would be against the approved planning conditions.

Consequently, the applicant has submitted a Tree Protection Plan, at the request of the Nature Conservation Officer. It indicates that regrading of the drain should be carefully carried out under a watching brief by a project arboriculturist. The Nature Conservation Officer has indicated that, if followed closely, it will put in place all the methods to help minimise the effect that the drainage works will have on the trees. She has also stressed that it is essential that the Consultant Arboriculturalist is always on the site at the relevant stages; and that their advice is strictly followed.

Condition 18 (Estate Road Details) - LCC Highways have indicated that the submitted details are satisfactory and accordingly do not wish to object to the application.

Condition 19 (Re-location of Bus Stop) - The application is accompanied by a bus stop works plan which indicates that the bus stop is to be located further to the west fronting Broadlands, which is historically linked to this site. This work falls under the Section 38 Highways Agreement and the works have been agreed with LCC Highways and are reflected on the submitted Section 38 drawing. Condition 19 requires that it shall be re-located before any dwelling is occupied.

Condition 20 (Surface Water Drainage) - Surface water would be disposed of via a piped outfall over neighbouring land to the north that would connect to a South Holland Internal Drainage Board Drain via a LCC Highways culvert under the A17. The South Holland Internal Drainage Board considers the details to be satisfactory and has issued a consent to discharge.

Concern has been raised relating to lack of maintenance of the culvert, etc near the A17. This is the responsibility of LCC Highways.

Condition 21 (Foul Water Drainage Strategy) - Anglian Water have confirmed that the foul water drainage strategy is acceptable.

Condition 22 (Contamination) - Environmental Protection have been consulted and recommend discharge of part ii) of condition 22 of H05-1235-18. Part iii) remains outstanding.

Condition 23 (Archaeology) - LCC Archaeology have been consulted and have confirmed that the written scheme of archaeological investigation meets their requirements in respect of Condition 23, which can now be discharged.

Comments raised by other parties

A request has been made for bio-diversity measures (ie, Swift nesting boxes). However, such a condition was not included on the original permission.

Planning Balance

The proposed revision to condition 10 relating to finished floor levels is considered acceptable, as are details submitted relating to outstanding conditions on the original permission (ref. H05-1235-18). These include existing/proposed site levels, boundary treatment/screening, landscaping, tree protection measures, re-location of the bus stop and surface water drainage.

Objections raised relating to such matters as overlooking/lack of privacy, surface water drainage, flooding, etc, have been taken into consideration but are not such as to justify refusal of the amended scheme, subject to mitigating conditions.

CONCLUSION

For the reasons outlined above the planning balance lies in favour of the proposed scheme.

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.

RECOMMENDATION

That the application be approved under delegated powers.