

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H05-1168-21	Applicant:	GEDA Construction
Proposal:	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)		
Location:	50 Fleet Road Holbeach Spalding		
Terminal Date:	5th March 2022		

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
32	Community, Health and Well-being

National Guidance**National Planning Policy Framework 2021**

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	0	0	0	1

CASE OFFICER ASSESSMENT**Proposal**

The application is to discharge conditions 5, 6, 9, 10, 11, 12, 15, 16 & 18 of outline planning permission ref. H05-1183-16 (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).

Site Description

The application site (approximately 3.6ha) is currently grassland located to the rear of residential properties on the southern side of Fleet Road. Dwellings are situated to the north fronting Fleet Road, including semi-detached houses off Chapman Mews. Land to the east is the subject of outline planning permission ref. H05-0468-18. Residential properties are located to the west off Branches Lane.

History

H05-1183-16 - Outline - Residential development - 55 dwellings including demolition of existing house - Granted 25 January 2018.

H05-0468-18 - Outline - Residential development (Phase 2) - 25 dwellings (access via Phase 1 approved by virtue of planning permission ref. H05-1183-16) - Granted 1 April 2019.

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

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 - Modification of 106 Agreement to update clause 8.10 (mortgagee in possession to bring in to line with current policy) - relating to planning approval H05-1183-16 - Under consideration.

Consultation Responses**LCC Highways/SUDs**

Does not wish to restrict the grant of permission.

Anglian Water

The foul strategy is acceptable to Anglian Water. We can therefore recommend discharge of condition 10.

Environmental Protection

Contamination - Recommend discharge of condition 18 of H05-1183-16 in full.

Noise - No objections.

Planning Considerations

Condition 5 - Details of boundary screening

The existing ground levels on the site generally vary between 3.2m and 2.75m aOD approximately, with the ground falling gradually from North-West to South East. The dwellings on plots 1-10 are set well back from the northern boundary, with the distances varying between 25m and 50 metres approximately. The road level at this point would be in the region of 4m aOD and finished floor levels of plots 1-10 set between 4.1 and 4.5m aOD. Two metre high fencing is proposed along the northern boundary, which is considered sufficient given the separation distances involved. Fencing any higher than this would have an impact upon the amenity of occupants of Chapman Mews in terms of blockage of light/overbearing effect.

In respect of the western boundary, plots 31-32 are bungalows. Plots 33-38 are houses that are set some 15-20 metres from the western boundary adjoining residential dwellings off Branches Lane. Proposed ground levels would gradually rise away from the western boundary from 3.2m (existing level) to between 3.8 and 4.3m aOD approximately. Finished floor levels of plots 31 and 32 (bungalows) would be 4.45m aOD and plots 33-38 between 3.9 and 4.2m aOD. 2 metre high closeboarded fencing with 300mm trellising above is proposed along the western boundary at this point. This is considered to be satisfactory given garden lengths and the separation distances between respective properties.

Condition 6 - Roads & footways

The roads would be constructed to adoptable standards and conditions on the outline permission dictate when it should be constructed. LCC Highways have assessed the application and have indicated the following:

"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) is sufficiently advanced with the technical compliance checks on the submitted details of the adoptable highways and drainage on this development for this Condition Compliance Application to be approved The Authority does not therefore wish to object to this planning application."

It is understood that the applicant proposes to make a start on the development by utilising the site's existing concrete road access - rather than having to first construct the junction and the initial section of new estate road. LCC Highways have indicated that they raise no objections in principle to this arrangement given that this is not a conventional 'market housing' development. However, this matter would need to be addressed by the submission of a S73 application to modify condition 7 of the outline permission (ref. H05-1183-16).

Condition 9 - Surface water drainage

A SuDS scheme would be utilised to dispose of surface water in accordance with Government advice relating to a development of this scale. Surface water drainage would be conveyed through a surface water sewer and a series of above ground filter drains and swales. The latter offer treatment and storage at the source before being conveyed to an attenuation basin designed with a minimum free board of 300mm. The outfall would be into the existing IDB regulated ditch to the southern perimeter of the site to cater for storm events.

The swales and filter drains would be maintained by a combination of LCC and Anglian Water. Much of the remaining drainage would be maintained by a private maintenance company upon completion of the development.

As part of the drainage strategy there is a requirement to raise levels within the site. To mitigate the raising of these levels, and prevent runoff draining towards existing properties, a shallow filter drain is proposed along the western site boundary to capture exceedance flows and direct them towards the proposed attenuation basin.

Condition 10 - Foul water disposal

Foul water disposal would be via an existing Anglian Water sewer running along Fleet Road. Anglian Water have a statutory duty under the Water Industry Act to provide, improve and maintain/clean sewers and have indicated that the foul water strategy is acceptable.

Condition 11 - Construction management plan

A detailed Construction Management Plan 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.

The proposed working hours would be 7am to 6pm Mon-Fri and 8am to 2pm on Sat/Sun, where required.

Both LCC Highways and Environmental Protection (Noise) have raised no objections.

Condition 12 - Plan illustrating areas of publicly accessible open space, plus specification and phasing.

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. H05-0670-20). The application is accompanied by a Landscape Management Plan which outlines a comprehensive management strategy for the public open spaces.

Condition 15 - Landscape management and maintenance schedule for areas of incidental open space, refuse/recycling points, etc.

The application is accompanied by a Landscape Management Plan, which is considered to be satisfactory. The areas would be maintained by a private maintenance company upon completion of the development.

Condition 16 - Details of 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 18 - Scheme to deal with contamination & pollution

The application is accompanied by a Desk Study Report by Ground Engineering. Environmental Protection have been consulted and are in general agreement with the findings. They therefore recommend discharge of condition 18 in full.

Conclusion

That conditions 5, 6, 9, 10, 11, 12, 15, 16 & 18 of outline planning permission ref. H05-1183-16 be discharged.

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.