DECISION DELEGATED TO HEAD OF PLANNING

| | | | |
|---|---|---|---|
| **Application No:** | **H08-0109-23** | **Applicant:** | **D & R Homes (Gosberton) Ltd.** |
| **Proposal:** | Details of foul drainage, floor levels, boundary treatments, construction management & traffic, estate street phasing, future management & maintenance, road & drainage details, surface water drainage, ground investigation, play equipment, open space, management, archaeology, refuse & recycling and trees (Conditions 5, 7, 9, 10-20, 23 & 24 of H08-1216-17) and details of roads finished surface levels (Condition 2 of H08-1335-21) | | |
| **Location:** | Land Off Spalding Road Gosberton Spalding | | |
| **Terminal Date:** | 30th March 2023 | | |

## 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 |
| 28 | The Natural Environment |
| 29 | The Historic Environment |
| 30 | Pollution |
| 32 | Community, Health and Well-being |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework 2021**

Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

## Representations:

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| HIGHWAYS & SUDS SUPPORT | 1 | 0 | 0 | 0 |
| IAN MARSHMAN - HISTORIC | 0 | 0 | 0 | 1 |

| | | | | |
|---|---|---|---|---|
| ENVIRONMENT OFFICER | | | | |
| WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | 0 | 0 | 0 | 1 |
| OTHER STATUTORY BODIES | 0 | 0 | 0 | 1 |

## CASE OFFICER ASSESSMENT

### Proposal

Details of foul drainage, floor levels, boundary treatments, construction management & traffic, estate street phasing, future management & maintenance, road & drainage details, surface water drainage, ground investigation, play equipment, open space, management, archaeology, refuse & recycling, trees, and details of finished road levels, relating to conditions 5, 7, 9-20, 23, 24 of H08-1216-17 and condition 2 of H08-1335-21.

### Site Description

The application site measures 1.7ha. It is rectangular in shape, with mature hedgerow and trees to the east, west and southern boundaries. The land is a flat agricultural plot.

Immediately to the north-west of the site is the Grade II listed Gosberton Baptist Church and a Grade II Listed milestone on the opposite side of Spalding Road. Access to the site runs between this church and a commercial garage.

The north of the site is characterised by a group of old agricultural buildings, which vary in age and condition, and a bungalow. There is an existing access from Spalding Road that serves both the existing bungalow (7 Spalding Road) and the agricultural land and buildings beyond. To the west are further residential developments. To the south and east is agricultural land.

The site abuts the settlement boundary of Gosberton, falling south-east of the settlement.

### Relevant History

H08-1216-17 - Outline. Proposed residential development of up to 38 dwellings. Approved 17/01/19, with S106 legal agreement - minimum of 25% affordable dwellings, education contribution and healthcare contribution.

H08-1335-21 - Reserved matters. Residential Development - 28 dwellings. Approved 18/11/22.

### Consultation Responses

Historic Environment Officer

"I can confirm that the written scheme of archaeological investigation submitted by the developer meets the requirements of this office in respect of Condition 20 of permission H08- 1216-17. We can therefore recommend that the local planning authority could discharge Condition 20."

Welland and Deepings Internal Drainage Board

Have stated that their previous comments still apply.

Within these previous comments the Board stated they have no objections and that they are satisfied with the proposed drainage system.

Anglian Water

"Foul Water Comments: The proposed drainage arrangement drawings (sheets 1 and 2) show connection of gravity foul flows to the existing public foul sewer network. This is acceptable and we can recommend discharge of condition 5.

Surface Water Comments: The surface water outfall is to an IDB controlled drain, this is outside of Anglian Water's jurisdiction for comment for condition 15"

Highway and Lead Local Flood Authority

Object to the proposal. The Highways authority object to the discharge of any conditions until such time full details of the S38 Agreement are submitted and approved in writing by the Authority, in accordance with those reasons imposed on the conditions.

Environmental Health

"No noisy operation of machinery shall take place prior to 7:30 am to protect amenity of nearby residents. No burning permitted on site."

**Planning Considerations**

Condition 5 -Details of foul water drainage.

The submitted plans show a main pipeline, running under the chief road of the estate, which connects onto the public system at underneath Spalding Road. Each cul-de-sac branching from the main road is served by a smaller pipe which connects onto the main pipeline. The relevant consultee finds this to be acceptable.

The submitted details are considered acceptable, and the condition can be discharged.

Condition 7 - Finished floor levels

Finished floor levels are required to be at least 300mm above ground floor level. All properties adhere to this condition.

The submitted cross sections show that site levels are consistent with the neighbouring properties, furthermore, there is ample boundary treatments in place between the proposed site and the adjacent properties. Therefore, the risk of overlooking as a result of this proposal is minimal.

The most extreme difference between ground levels and finished floor levels is plot 24, which sees an approximate 800mm difference between the finished floor levels and ground levels. However; when compared to the existing property to the west, there is only a 300mm difference. As the proposed dwellings are single storey in nature, and as there are sizeable boundary treatments present, there is minimal concern regarding overlooking at this property.

There were initial concerns raised by the officer regarding the site levels; however, after discussions with the agent and the submission of cross section drawings showing the site levels in context, these concerns were alleviated.

Therefore, the submitted details are considered acceptable, and the condition can be discharged.

Condition 9 - Details of boundary treatments

A 2-metre-high acoustic fence will be placed to the north-west of the site, between the commercial garages and the plots 27 and 28. A 1.8-metre-tall wooden panel fence will wrap around the entire site, with the exception of the south-western edge which will be left without a boundary treatment. A 0.9m wooden vertical plank fence will be placed around the basin.

Between rear gardens will be 1.8m wooden, close board fences. To the front of properties will be a

1.2-metre-high post-rail fence to demarcate drive-way boundaries. Hedgerows will be present to the front of each property

The submitted details are considered acceptable, and the condition can be discharged.

Condition 10 - Details of construction management plan

The relevant consultees have raised no objections to the submitted construction management plan.

The submitted details are considered acceptable, and the condition can be discharged.

Condition 11 - Details of traffic management plan

The relevant consultees at the Highways Authority object to the dismissal of this condition until a S38 Agreement has been approved by the Highways authority. However, an agreement has been reached between the relevant parties that the submitted plans will remain consistent between those submitted here and those to be approved by the Highways Authority.

The condition can be discharged.
Condition 12 - Estate street phasing

Adopted roads will be completed to base course level in one go and then the wearing course completed once development is completed to avoid any unnecessary damage. Similarly, the small private drives will be put in at the start of development and finished prior to the development being completed.

The submitted details are considered acceptable, and the condition can be discharged.

Condition 13 - Future street maintenance

The relevant consultees at the Highways Authority object to the dismissal of this condition until a S38 Agreement has been approved by the Highways authority. However, an agreement has been reached between the relevant parties that the submitted plans will remain consistent between those submitted here and those to be approved by the Highways Authority.

The condition can be discharged.

Condition 14 - Engineering, drainage, street lighting and constructional details for the streets

Surface water drains will be placed intermittently along the road. These will connect onto a transport pipe that will flow into the attenuation basin. A highway water filter drain will run alongside the main road.

The submitted details are acceptable and the condition can be discharged.

Condition 15 - Surface Water Drainage

The submitted details conform to those stipulated in condition 15.

As such, the condition can be discharged.

Condition 16 - Ground Investigation

The relevant consultees have raised no objections. Therefore, the condition can be discharged.

Condition 17 - Play Equipment

Condition 17 referenced a children's play area. However, an agreement has been reached that, considering the nature of the development and the target audience of the properties, the equipment should reflect a more mature audience. Therefore, although some of the equipment submitted is not suitable for children, it is still sufficient to discharge the condition.

Therefore, the submitted details are considered acceptable and condition 17 can be discharged.

Condition 18 - Details of Open Space

The submitted plans show an area of public space to the south of the site. There is also a small area to the north, adjacent to the church.

The submitted details are considered acceptable, and the condition can be discharged.

Condition 19 - Management Plan

The site will be managed by a management company, owned and operated by the residents. The responsibilities of the management company directors would be to ensure the maintenance and upkeep of any open space areas or grass verges, all communal areas, private drives and parking areas, public liability Insurance for all communal areas, payment of any utility bill for private street lighting, company legislation compliance and submissions to Companies House, book-keeping records, collection, and calculation of the annual service charge to cover all of these expenses.

The submitted details are considered acceptable, and the condition can be discharged.

Condition 20 - written scheme of archaeological investigation

The relevant consultee has recommended the discharge of condition 20 as they find the submitted report to achieve the goals of this condition.

Therefore, the condition can be discharged.

Condition 23 - Refuse and Recycling

Refuse will be collected by South Holland District Council. Those residents with a frontage onto the adoptable highway will leave their refuse at the edge of their curtilage, adjacent to the road. For those residents on private drives, collection points have been allocated at the end of these drives. All collection points adhere to the 30-metre carry distance laid out in the Council's Guidance Note on Private Drives.

The submitted details are considered acceptable, and the condition can be discharged.

Condition 24 - Details of Trees

A 'Tree and Hedgerow Survey Report' prepared by Delta-Simons was submitted as part of the Outline Planning Permission and is reproduced here.

Condition 2 - Road Finished Surface Levels

The relevant consultees at the Highways Authority object to the dismissal of this condition until a S38 Agreement has been approved by the Highways authority. However, an agreement has been reached between the relevant parties that the submitted plans will remain consistent between those submitted here and those to be approved by the Highways Authority.

The condition can be discharged.

## Conclusion

Conditions 5, 7, 9-20, 23, 24 of H08-1216-17 and condition 2 of H08-1335-21 can 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.