

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-0417-24 **Applicant:** RTW Construction & Development

Proposal: Details of precautions to be taken to prevent mud deposits on public highway etc, scheme for on-site foul water drainage works, existing & proposed site levels & proposed floor levels, construction management plan & method statement, finished surface levels for estate roads & footways, estate road phasing & completion plan, surface water drainage scheme, additional boundary treatment for northern boundary of Plot 1, plan to illustrate all areas of publicly accessible open space, details of management and maintenance schedule for areas of landscaping, incidental open space, refuse/recycling collection points & parking courts/private drives, management & maintenance including refuse/recycling collection points for Plots 12-14 and design & position of all external meter boxes & gas flues & soil vent pipes (Conditions 3, 4, 5, 7, 9, 10, 11, 13, 14, 15, 16 & 17 of H08-0870-22)

Location: Site Adj. Silverdene Boston Road Gosberton

Terminal Date: 4th July 2024

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
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
29	The Historic Environment
32	Community, Health and Well-being
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 2023

Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport

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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge Conditions 3, 4, 5, 7, 9, 10, 11, 13, 14, 15, 16 and 17 of planning approval H08-0870-22, relating to details relating to the following:

- Details of precautions to be taken to prevent mud deposits on public highway etc
- Scheme for on-site foul water drainage work
- Existing & proposed site levels & proposed floor levels
- construction management plan & method statement
- Finished surface levels for estate roads & footways
- Estate road phasing & completion plan
- Surface water drainage scheme
- Additional boundary treatment for northern boundary of Plot 1
- Plan to illustrate all areas of publicly accessible open space
- Details of management and maintenance schedule for areas of landscaping, incidental open space
- Refuse/recycling collection points & parking courts/private drives
- Management & maintenance including refuse/recycling collection points for Plots 12-14 and design
- Position of all external meter boxes & gas flues & soil vent pipes

Planning approval H08-0870-22 granted planning permission for the erection of 20 dwellings.

Site Description

The site is a greenfield site of approx. 2.2ha. There are a number of mature trees along the southern and eastern boundaries. A pedestrian track runs along the southern boundary. There are frontage properties facing onto Boston Road to the south and north and a small number of frontage dwellings opposite. The site is bounded by drains to the north and west.

History

H08-0870-22 - Full - Proposed residential development comprising 20 dwellings (Re-submission of H08-1183-21) (approved May 2023)

H08-1183-21 - Full - Proposed residential development comprising 20 dwellings (refused March 2022)

H08-0218-20 - Reserved Matters - Residential Development of 18 Dwellings - outline approval H08-0866-18 (approved July 2020)

H08-0518-19 - Outline - Residential development (re-submission of H08-0866-18) (refused July 2019)

H08-0866-18 - Outline - Residential development - for up to 18 dwellings (approved March 2019)

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Anglian Water

Foul Water Comments: The proposed pump foul flow (Design Submission Document) at 4.8l/s is acceptable to Anglian Water.

Surface Water Comments: The surface water strategy as outlined in the drainage layout sheets (1 and 2) is not discharging to a public surface water sewer, we therefore have no comments to make as this is outside of our jurisdiction for comment

SHDC Environmental Protection Officer

No comments regarding land contamination

Welland & Deepings Internal Drainage Board

I am pleased to see that the nine metre easement strip afforded to the Moses Cut Drain on the northern boundary is consistently being observed. I am also pleased to see that the clear six metre easement strip on the western boundary is consistently being detailed as part of this development. This watercourse is not Board adopted but we currently undertake routine maintenance on it to ensure that it functions correctly and brings water away from upstream areas of Gosberton village. The Board would be willing to discuss future adoption of this watercourse if the developer so wished.

Since my previous comments both of the following consents ALT/RE 85 & DIS/RE 38 have been granted by the Board.

LCC Highway and Lead Local Flood Authority

Recommendation: No objection

The details of precautions to be taken to prevent mud deposits on public highway etc, scheme for on-site foul water drainage works, existing & proposed site levels & proposed floor levels, construction management plan & method statement, finished surface levels for estate roads & footways, estate road phasing & completion plan, surface water drainage scheme, additional boundary treatment for northern boundary of Plot 1, plan to illustrate all areas of publicly accessible open space, details of management and maintenance schedule for areas of landscaping, incidental open space, refuse/recycling collection points & parking courts/private drives, management & maintenance including refuse/recycling collection points for Plots 12-14 and design & position of all external meter boxes & gas flues & soil vent pipes (Conditions 3, 4, 5, 7, 9, 10, 11, 13, 14, 15, 16 & 17 of H08-0870-22) are acceptable in accordance with approved drawings and details submitted with this application.

Planning Considerations

This proposal seeks to discharge Conditions 3, 4, 5, 7, 9, 10, 11, 13, 14, 15, 16 and 17 of planning approval H08-0870-22, relating to details relating to the following:

- Details of precautions to be taken to prevent mud deposits on public highway etc
- Scheme for on-site foul water drainage work
- Existing & proposed site levels & proposed floor levels
- construction management plan & method statement
- Finished surface levels for estate roads & footways
- Estate road phasing & completion plan
- Surface water drainage scheme
- Additional boundary treatment for northern boundary of Plot 1
- Plan to illustrate all areas of publicly accessible open space
- Details of management and maintenance schedule for areas of landscaping, incidental open space
- Refuse/recycling collection points & parking courts/private drives
- Management & maintenance including refuse/recycling collection points for Plots 12-14 and design
- Position of all external meter boxes & gas flues & soil vent pipes

Condition Details

The conditions detail:

Condition 3

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.

Reason: In the interests of highway safety during the construction process. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019.

The relevant consultees have been consulted and have raised no objections the Highways Authority confirmed the following "the conditions are acceptable in accordance with approved drawings and details submitted with this application." The submitted details are considered acceptable, and the condition can be discharged.

Condition 4

Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to, and approved in writing by, the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason: To prevent environmental and amenity problems arising from flooding. This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

The relevant consultees have been consulted and have raised no objections Anglian Water confirmed the following "The proposed pump foul flow (Design Submission Document) at 4.8l/s is acceptable to Anglian Water." The submitted details are considered acceptable, and the condition can be discharged.

Condition 5

Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: To reduce the risk of flooding of the development and to ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

Insufficient information has been provided in relation to Condition 5. The submitted information, in relation to the adoptable highway etc, provide an indication of the Finished Floor Levels of the proposed dwellings, along with site levels of the highway. However, the submission does not appear to provide sufficient details of the proposed land levels, including those of each plot (dwelling construction levels and garden levels). Therefore, a full assessment it unable to take plan.

Taking the above into account there is not sufficient information to be able to discharge Condition 5 and the proposed land levels, including those of each plot (dwelling construction levels and garden levels) are still missing.

Condition 7

The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to, and approved in writing by, the Local Planning Authority.

The Construction Management Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include;

- the phasing of the development to include access construction;*
- the parking of vehicles of site operatives and visitors;*
- the loading and unloading of plant and materials;*
- the storage of plant and materials used in constructing the development;*
- wheel washing facilities;*
- a strategy stating how surface water run off on and from the development will be managed during construction;*
- measures to minimise disturbance during the construction process through noise, dust, vibration and smoke*

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

The relevant consultees have been consulted and have raised no objections the Highways Authority confirmed the following "the conditions are acceptable in accordance with approved drawings and details submitted with this application." The submitted details are considered acceptable, and the condition can be discharged.

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.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.

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

The relevant consultees have been consulted and have raised no objections the Highways Authority confirmed the following "the conditions are acceptable in accordance with approved drawings and details submitted with this application." However, as stated above the proposed land levels, including those of each plot, dwelling construction levels ect are still missing, so the Local Planning Authority are unable to make a full assessment of Condition 9 and therefore the condition cannot be discharged.

Condition 10

The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development.

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

The relevant consultees have been consulted and have raised no objections the Highways Authority confirmed the following "the conditions are acceptable in accordance with approved drawings and details submitted with this application." The submitted details are considered acceptable, and the condition can be discharged.

Condition 11

The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;*
- provide flood exceedance routing for storm event greater than 1 in 100 year;*
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;*
- provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second, unless other rates agreed by IDB;*
- provide details of the timetable for and any phasing of implementation for the drainage scheme;*
- and*
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.*

No dwelling shall be occupied until the approved scheme has been completed or provided on the

site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

The relevant consultees have been consulted and have raised no objections the Welland & Deepings Internal Drainage Board confirmed the following "I am pleased to see that the nine metre easement strip afforded to the Moses Cut Drain on the northern boundary is consistently being observed. I am also pleased to see that the clear six metre easement strip on the western boundary is consistently being detailed as part of this development. This watercourse is not Board adopted but we currently undertake routine maintenance on it to ensure that it functions correctly and brings water away from upstream areas of Gosberton village. The Board would be willing to discuss future adoption of this watercourse if the developer so wished.

Since my previous comments both of the following consents ALT/RE 85 & DIS/RE 38 have been granted by the Board."

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

Condition 13

Prior to the occupation of Plot 1, details of additional boundary treatment for the northern boundary (to extend from the rear boundary of Arosfa as far as the front elevation of the dwelling) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved boundary treatment shall be installed prior to the occupation of that dwelling.

Reason: In the interest of residential amenity.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Insufficient information has been provided in relation to Condition 13. The details relating to the northern boundary treatments appear to be relatively standard. However, the full assessment of their acceptability is not possible, due to the full details of land levels not being provided. The information for this condition, therefore, is insufficient and Condition 13 is unable to be discharged.

Condition 14

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.

Reason: To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the open space.

This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019.

Insufficient information has been provided in relation to Condition 14. Although the submitted maintenance plan suggests the areas of open space, no specific details appear to have been submitted that clearly identify these areas. Moreso, the submission does not detail the specification of these areas (i.e. no details of the basin, or how this can be provided as an accessible open space, have been submitted). Furthermore, no details of timing or phasing of these spaces have been submitted. The information for this condition, therefore, is insufficient and Condition 14 is unable to be discharged.

Condition 15

Before the commencement of development hereby permitted, details of the management and maintenance schedule for the areas of landscaping, incidental open space, refuse/recycling collection points and parking courts/private drives shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be maintained in accordance with the approved details.

Reason: To ensure that adequate provision is made for the management and maintenance of the those areas.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

Insufficient information has been provided in relation to Condition 15. The submitted information, illustrates the management responsibilities for all areas of the site. However, given that the details relating to open etc, as outlined within condition 14 above, have not been provided, it is not possible to assess the acceptability of their maintenance and management.

It is also worth noting that the drawings stated within the submitted statement, have not been provided in support of this discharge of conditions application.

The information for this condition, therefore, is insufficient and Condition 15 is unable to be discharged.

Condition 16

Plots 12 - 14 shall not be occupied before details for a refuse/recycling collection point adjoining the public highway, as well as appropriate management and maintenance, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of these plots.

Note: For residential development, reference should be made to the Council's published PRIVATE DRIVES - WASTE VEHICLE COLLECTION SERVICE - GUIDANCE NOTE when submitting these details.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

Insufficient information has been provided in relation to Condition 16. This condition requires details of "a refuse/recycling collection point adjoining the public highway, as well as appropriate management and maintenance", for plots 12-14. The submission does not appear to provide any details relating to condition 16 and as such, the details are insufficient and Condition 16 is unable to be discharged.

Condition 17

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.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

The locations of the external boxes for gas and electricity supplies and of any gas flues and soil vent pipes are as follows:

Plots 3 and 18

To the side elevation an electric meter, an external grille to the cooker hood, an external grille to the en-suite and a tile vent to SVP are proposed.

On the rear elevation an external grille to the utility and an external grille to the bathroom is proposed.

To the other side elevation one external grille to the wc is proposed.

Plot 19

To the side elevation an external grille to the en-suite and one tile vent to SVP is proposed.

On the rear an external grille to the en-suite and one tile vent to SVP is proposed.

On the other side elevation an external grille to the cooker hood, the bathroom, the utility and wc and one electric meter is proposed.

Plots 10 and 11

To both the side elevations one external grille to the wc and bathroom and one electric meter is proposed.

To the rear elevation two tile vent to SVP are proposed.

To the front elevation two cooker hood external grilles are proposed.

Plot 5 and 6

To the side elevation one external grille to the wc, utility and bathroom are proposed.

To the rear one tile vent to SVP is proposed.

To the other side elevation is one external grille to the cooker hood and one electric meter box proposed.

To the front elevation two tile vents are proposed.

Plots 4, 7, and 17

To the side elevation is one external grille to the utility and one electric meter.

To the rear three tile vents to the bathroom extract, SVP and eu-suite extract, two air bricks and one external grille to the wc is proposed.

To the other side elevation two air bricks are proposed.

On the front elevation one tile vent to the en-suite extract is proposed.

The locations of the external boxes for gas and electricity supplies and of any gas flues and soil vent pipes are all considered acceptable for plots 3, 4, 5, 6, 7, 10, 11, 17, 18 and 19, however the elevations for plots 1, 2, 8, 9, 12-16 are missing. The submitted details are insufficient and Condition 17 is unable to be discharged.

Other Matters

Additional information was requested at the beginning of the application however, as stated above, a significant of information is still missing and therefore, conditions are unable to be discharged.

Conclusion

To conclude, for the reasons outlined above, it is considered that the details submitted in relation to Condition 3, 4, 7, 10 and 11 are acceptable and as such can be discharged. However, the details in relation to Conditions 5, 9, 13, 14, 15, 16 and 17 lack adequate information and/or comprise unacceptable detail and as such it is the recommendation that these conditions are refused and not 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.