

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0523-20 **Applicant:** Ashwood Homes
Proposal: Details of Conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 H09-0332-16
Location: Land Off Damgate Holbeach Spalding
Terminal Date: 27th August 2020

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
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework 2019

Section 8 - 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

Representations:

	Object	Support	No Obj.	Comments
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	3

CASE OFFICER ASSESSMENT

Proposal

Details of Conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 of H09-0332-16.

Site Description

The site is greenfield in nature and 8.41 hectares in size. To the south and east the site abuts a watercourse and open fields beyond. To the north the site abuts the rear gardens of development along Fleet Road, Damgate and Greenfields. To the west the site fronts onto open playing fields. There are a number of protected trees within the site (Fleet and Holbeach Tree Preservation Order No. 1 1987) and large, mature trees to the south, east and west boundaries. There is a significant pond within the site.

History

H09-0277-20 - Works to Fleet and Holbeach Tree Preservation Order No 1 1987 (part approved, part refused May 2020)

H09-0332-16 - Full application for residential development - erection of 188 dwellings (approved May 2018)

Consultation Responses

LCC Highways/SUDS - No concerns raised regarding proposed finished surface levels of estate road and footways. Separate approval process ongoing for other highway related and drainage details.

SHDC Environmental Protection (contaminated land) - I have reviewed the GeoDyne 'Dam Gate Holbeach Remediation Method Statement Project No: D38108 Date: 18th August 2020', Ashwood Homes Ltd Drawing 'Gas membrane details' ref 35-GMB-01 Rev B' dated August 2020 and clarification email from Andrew Riley dated 01-09-2020. I am in general agreement with the report and the proposed drawing and recommend discharge of part iii of condition 3 of H09-0332-16 with part iv remaining outstanding. I look forward to receipt of the validation report in due course.

SHDC Environmental Protection (noise and odour) - No objection.

Anglian Water - No objections. Whilst we do not hold the full details of how many properties are connecting by gravity, and by a pumped regime to fully assess an accurate pumped rate, we do not consider that the proposed overall rate of 7l/s would be unacceptable or cause an unacceptable flooding risk.

South Holland Internal Drainage Board - Provides a reminder of the consenting process and the Board's byelaws.

Planning Considerations

Condition 3 (Contaminated land scheme) - SHDC Environmental Protection colleagues have raised no objection to the submitted details.

Condition 4 (Materials schedule) - Four brick types are proposed - two red, two buff facing. Two tile types are proposed - Slate grey and natural red. Some properties would also be clad with weatherboarding. The proposed external surface materials are a combination of tarmac and paving. The proposed range of materials is acceptable.

Condition 5 (Domestic accoutrements) - Utility meters proposed to be located on the side elevations of the majority of properties. Vent tiles to be used for discreetness. This is acceptable.

Condition 6 (Landscaping and details of post-planting maintenance) - A scheme of tree and shrub planting is proposed throughout the site. Existing trees are to be retained where possible. The areas of grassed public open space are to be managed and maintained by a management company in accordance with the details submitted as part of the Public Open Space Maintenance Plan and

Estate Management Overview. All other landscaping elements will become the responsibility of individual plot owners.

Condition 7 (Boundary treatment) - 1.8m closeboard fencing and brick walling are proposed within the site. This should be sufficient given that ground levels will also be raised to take into account the higher finished floor levels. 2.4m fencing is to be provided in between existing and proposed dwellings where the separation distance justifies it to prevent overlooking.

Condition 8 (Open space management plan) - To be managed and maintained by a management company in accordance with the details submitted as part of the Public Open Space Maintenance Plan and Estate Management Overview.

Condition 9 (Management of landscaping, open space, incidental open space, refuse/recycling collection points and parking courts/private drives) - Areas of public open space and drainage features to be the responsibility of the management company, in accordance with the details submitted as part of the Public Open Space Maintenance Plan and Estate Management Overview. The remaining areas will be conveyed to be individual plot owners and become the resident's responsibility.

Condition 10 (Refuse storage and disposal (incl. collection points)) - Collection points are shown for each private drive adjacent to the adoptable highway. Waste will be presented kerbside for all other plots.

Condition 11 (Protection of trees during development) - This is a condition that is discharged through the construction process.

Condition 13 (Development to be carried out in accordance with the recommendations of the approved Ecology and Protected Species Survey) - Lincolnshire Wildlife Trust have raised no objections to the submitted details relating to bat and bird boxes and hedgehog shelters. The submitted Open Space Maintenance Plan has been revised in accordance with their comments regarding the recommended maintenance and management of areas of Emorsgate EM3.

Condition 14 (Widening of Damgate to min of 5.5m and provision of 1.8m wide footway at Damgate frontage) - Separate highways technical approval required (see note on decision notice).

Condition 15 (Roads and footway spec) - Separate highways technical approval required (see note on decision notice).

Condition 16 (First 50 metres of estate road) - This is a condition that is discharged through the construction process.

Condition 17 (Finished surface levels of estate road and footways) - The Highway Authority have raised no objection to the submitted details.

Condition 18 (Surface water strategy) - Separate approval by Lead Local Flood Authority required (see note on decision notice).

Condition 19 (Foul water disposal) - Anglian Water have raised no objection to the submitted details.

Condition 20 (Construction management plan) - SHDC Environmental Protection colleagues and the Highway Authority have raised no objection to the submitted details.

Condition 21 (Prevention of mud on the highway) - No objections have been raised to the submitted details by technical consultees.

Condition 22 (Development in accordance with FRA) - All proposed finished floor levels are in accordance with the approved FRA.

Condition 23 (Existing and proposed site levels and FFLs) - As above. Proposed site levels are considered acceptable in the context of surrounding development and boundary treatments proposed.

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.

Conclusion

Taking the above into account, it is considered that Conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 of H09-0332-16 can be discharged.