

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H09-0619-22	Applicant:	Ashwood Homes
Proposal:	Details of means of surface water disposal, landscaping & biodiversity strategy, tree protection during construction works, boundary treatments, management plan for publicly accessible open space & outdoor play areas, written scheme of archaeological investigation, FRA (ffl), surface water disposal, estate road & associated footways, estate road phasing & completion plan, details of construction management, precautions for prevention of mud deposits on public highways, external materials and notice confirming requirement for water consumption (Conditions 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18 & 19 of H09-0784-21)		
Location:	Land Off Fen Road Holbeach Spalding		
Terminal Date:	17th August 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
05	Meeting Physical Infrastructure and Service Needs
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
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
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 2021

NPPF 2021

Representations:

	Object	Support	No Obj.	Comments
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
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT**Proposal**

CONDITION COMPLIANCE - Details of means of surface water disposal, landscaping & biodiversity strategy, tree protection during construction works, boundary treatments, management plan for publicly accessible open space & outdoor play areas, written scheme of archaeological investigation, FRA (ffl), surface water disposal, estate road & associated footways, estate road phasing & completion plan, details of construction management, precautions for prevention of mud deposits on public highways, external materials and notice confirming requirement for water consumption (Conditions 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18 & 19 of H09-0784-21).

Additional information has been submitted since submission, specifically a Landscape Maintenance Schedule, Biodiversity Plan and Tree Protection Plan.

Site Description

As host consent.

History

H09-0784-21. FULL. Erection of 38 dwellings with associated roads and sewers. APPROVED WITH S106 03-02-22.

Consultation Responses**SHDC Trees and Nature Conservation Officer**

Requested further information, which was received.

Regarding the additional information, question why existing trees and hedge to north east of entrance were removed if they are then going to replace them.

SHDC Environmental Protection

No objection to construction management plan.

LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

The details submitted to discharge conditions 3,4,5,6,7,8,9,11,12,13,14,15,16,17,18 and 19 attached to Decision Notice H09-0784-21 are acceptable in accordance with approved details and drawings submitted with this application.

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) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Raise no objection to the binder course level to remain once the first residents move in.

LCC Historic Environment Officer

The written scheme of archaeological investigation (WSI) submitted meets the requirements of this office regarding the evaluation which we recommended in our earlier advice on application H09-0784-21. We can therefore recommend that condition 8 and 9 could now be discharged. We look forward to the evaluation taking place and receiving a copy of the report in due course. This evaluation is being carried out post-determination but the developer should be aware that depending on its results there may still be a requirement for further work in order to mitigate the potential impacts of development upon archaeological remains.

South Holland Internal Drainage Board

The site is within the Internal Drainage District (IDD) of the South Holland Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. Whilst the Board's regulatory process (as set out under the Land Drainage Act 1991 and the Board's Byelaws) is separate from planning, the ability to implement a planning permission may be dependent on the granting of any required consents. As such I strongly recommend that any required consent, as set out below, is sought prior to determination of the planning application.

Having reviewed the documents submitted in support of the above planning application, please be aware of a potential for conflict between the planning process and the Board's regulatory regime, due to the proposed works also requiring Land Drainage Consent from the Board.

A summary of the consents required under the Land Drainage Act 1991 (including Byelaws):

Byelaw 3
Section 23, Land Drainage Act 1991
Byelaw 10

Anglian Water

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water. As such, we are unable to provide comments on the suitability of the surface water management. The applicant and the Local Planning Authority should seek the advice of the Lead Local Flood Authority and the Internal Drainage Board if applicable. The Environment Agency should be also consulted if the drainage system directly or indirectly involves the discharge of water into a Main River.

Environment Agency

We did not recommend the conditions referred to on application H09-0784-21 and therefore have no comment to make on this application.

In your email it mentions finished floor levels, if these will be less than those shown on drawing no. 127 - S38 - 03 (Rev B) please re-consult us, however I did not see an amended flood risk

assessment to review.

Planning Considerations

Condition 3 Surface Water Disposal Details

As can be seen above, LCC confirms their opinion that the details submitted to discharge this condition attached to Decision Notice H09-0784-21 are acceptable in accordance with approved details and drawings submitted with this application.

South Holland Internal Drainage Board have raised that their regulatory scheme may differ from the planning consent regime, but have not raised any specific matters regarding the current submission.

Condition 4 Landscaping Detail

The details submitted to discharge this condition attached to Decision Notice H09-0784-21 are acceptable in accordance with approved details and drawings submitted with this application.

The SHDC Trees and Nature Conservation Officer questions why some trees have been removed to be replanted, however the removal of the trees was consented previously and this is now an improvement. Also, the trees are not covered by a TPO.

Condition 5 Protection of Trees During Development

The details submitted to discharge this condition attached to Decision Notice H09-0784-21 are acceptable in accordance with approved details and drawings submitted with this application.

Condition 6 Details of Boundary Treatment

The details submitted to discharge this condition attached to Decision Notice H09-0784-21 are acceptable in accordance with approved details and drawings submitted with this application.

Condition 7 Open Space Management

The details submitted to discharge this condition attached to Decision Notice H09-0784-21 are acceptable in accordance with approved details and drawings submitted with this application.

Condition 8 Archaeological Scheme

As can be seen above, the LCC Historic Environment Officer concludes that this condition can be discharged as a result of the information provided.

Condition 9 Notification of Archaeology Works Commencing

As can be seen above, LCC confirms their opinion that the details submitted to discharge this condition attached to Decision Notice H09-0784-21 are acceptable in accordance with approved details and drawings submitted with this application.

Condition 11 Development in accordance with Flood Risk Assessment

The details submitted to discharge this condition attached to Decision Notice H09-0784-21 are acceptable in accordance with approved details and drawings submitted with this application.

Condition 12 Surface Water Disposal Details

As can be seen above, LCC confirms their opinion that the details submitted to discharge this condition attached to Decision Notice H09-0784-21 are acceptable in accordance with approved details and drawings submitted with this application.

South Holland Internal Drainage Board have raised that their regulatory scheme may differ from the planning consent regime, but have not raised any specific matters regarding the current submission.

Condition 13 Estate road and associated footways

As can be seen above, LCC confirms their opinion that the details submitted to discharge this condition attached to Decision Notice H09-0784-21 are acceptable in accordance with approved details and drawings submitted with this application.

Condition 14 Estate Road Phasing and Completion Plan

As can be seen above, LCC confirms their opinion that the details submitted to discharge this condition attached to Decision Notice H09-0784-21 are acceptable in accordance with approved details and drawings submitted with this application.

Condition 15 Scheme of construction management

As can be seen above, LCC confirms their opinion that the details submitted to discharge this condition attached to Decision Notice H09-0784-21 are acceptable in accordance with approved details and drawings submitted with this application.

Condition 16 Prevention of Mud on the Highway

As can be seen above, LCC confirms their opinion that the details submitted to discharge this condition attached to Decision Notice H09-0784-21 are acceptable in accordance with approved details and drawings submitted with this application.

Condition 17 Materials Schedule

The details submitted to discharge this condition attached to Decision Notice H09-0784-21 are acceptable in accordance with approved details and drawings submitted with this application.

Condition 18 Vegetation Clearance

This condition is instructional and does not require specific discharge.

Condition 19 Water Consumption

The details submitted confirm the expectations of the condition, although the condition does not require discharge.

Conclusion

Approve.

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.