

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H09-0914-20	Applicant:	Ashwood Homes
Proposal:	Details of boundary treatment, external materials, foul water disposal, site levels, notification relating to archaeological work, details of 2.0 metre wide footway, finished surface levels, surface water drainage scheme, construction management, precautions for mud deposits on road, plan showing areas of publicly accessible open space and management plan for areas of publicly accessible and outdoor play areas (Conditions 4, 5, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17 of H09-0276-19)		
Location:	Land At Fen Road Holbeach Spalding		
Terminal Date:	5th February 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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 2019

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT**Proposal**

Details of boundary treatment, external materials, foul water disposal, site levels, notification relating to archaeological work, details of 2.0 metre wide footway, finished surface levels, surface water drainage scheme, construction management, precautions for mud deposits on road, plan showing areas of publicly accessible open space and management plan for areas of publicly accessible and outdoor play areas (Conditions 4, 5, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17 of H09-0276-19).

Since submission further information and amendments have been submitted regarding boundary treatments and the form and location of the play area.

Also, discrepancies to plans have been identified and resolved.

Site Description

As host consent.

History

H09-0276-19. FULL. Erection of 83 dwellings with associated garaging, roads and sewers. APPROVED. 09-10-20.

Consultation Responses

Holbeach Parish Council

No observations.

SHDC Environmental Protection

No objection.

LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

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.

No objection to the correction of discrepancies in plans MA11102/601E and 602E.

LCC Historic Environment Officer

No response received.

Anglian Water

Foul Water Comments: The foul strategy is acceptable to Anglian Water. Can therefore recommend discharge of the foul aspect of condition 7.

Surface Water Comments: The Surface water strategy is not relevant to Anglian Water, therefore have no comments to make on the surface water arrangements of Condition 7.

South Holland Internal Drainage Board

The Board has issued Land Drainage Consent under Byelaw 3 dated 23 October 2020 for a maximum surface water discharge rate of 3.6 litres per second via a Stormbrake flow control manhole from the site into the realigned course of Holbeach Old River (our consent references 19_01945_C & 20_02340_C). The same consent provides permission for the location of the surface water outfall headwall and outfall pipe plus the paving/access road which are all located within the 9 metre Byelaw easement, requiring consent to relax Byelaw 10 (no works within 9 metres of the edge of drainage or flood risk management infrastructure). The Board has stipulated that the land adjacent to the river should remain as an unfenced open grass strip for the Board's access requirements.

The applicant has agreed to comply with the conditions and specifications set out within the above consents.

The realignment of the watercourse has been granted a separate consent dated 23 October 2020 (our reference 19_01961_C) and the applicant has agreed to comply with the conditions and specifications set out within that consent.

Therefore, from the Board's perspective all requirements for consent have been met and approved. Any additional surface water discharge from this site into the Board's Adopted watercourse will require consent in line with the Board's byelaws (specifically byelaw 3). Since there is no new evidence to suggest an increase in the expected surface water discharge rate or change in the site impermeable area, the Board has no further comments to make as regards the discharge of Condition 13.

As regards Construction Method Statement Amendment 3 (11.12.20) the Board requests that the land within 7 metres of the brink of the Holbeach River is kept clear of obstructions, any heavy plant crossing is kept to a minimum and this area is not to be used for the storage of materials at any time.

Third Parties/Neighbours

One objection from a property on the eastern side of Fen Road.

- Object to the principle of the development.
- Impact on their home and back garden by reason of overlooking.
- Impact on home security.
- Impact on value of property.
- Damage during construction.
- Noise disturbance during construction and afterwards.
- Distress to dogs.

It is to be noted that the objectors' dwelling is to the East of Fen Road, and the development is to the West of Fen Road, and has no boundary with the objectors property.

Planning Considerations

Condition 4 - Details of Boundary Treatments

Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Since submission the application has been revised to increase the boundary fencing to properties within Gamekeeper Close to resolve the issues that would be caused as a result of the levels on the development site being raised.

The arrangements for the boundary treatments to adjoining properties in Fen Road have been carefully assessed and are considered to be acceptable.

Boundary treatments within the body of the development are considered to be acceptable.

Condition 5 - Materials Schedule

Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

The materials proposed, as set out within the MATERIALS SCHEDULE LAYOUT, ref 118 - MSL - 01 are considered to be acceptable.

The scheme proposes a mix of the following:

Bricks - LEICESTER MULTI CREAM, LEICESTER RED STOCK, IVANHOE WESTMINSTER, OAKMOOR CREAM.

Roof coverings - ROOF TILE E: IMERY'S ALPHA 10 SLATE, ROOF TILE E: IMERY'S DOUBLE PANNE S NATURAL RED, ROOF TILE E: IMERY'S ALPHA 10 CHEVREUSE

OTHER MATERIALS -

MARLEY ETERNIT WEATHER BOARDING

PRIVATE PATHS: BUFF RIVEN PAVING SLABS

METER BOXES: RECESSED WHITE GRP

RAINWATER GOODS: HALF ROUND GUTTERS 68MM DIA. DOWN PIPES BLACK UPVC

EXTRACT GRILLE: BLACK UPVC

WALL FLUE TERMINAL: BLACK UPVC

ROOF FLUE TERMINALS: BLACK UPVC

The materials are considered to be acceptable.

Condition 7 - Foul Drainage Details

Before the commencement of the development hereby granted, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

The foul water drainage details are considered to be acceptable.

Condition 8 - Details of Existing and Proposed Site Levels

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.

The revised details are to be read in conjunction with the details submitted for conditions 4 and 13, and are considered to be acceptable.

Condition 9 - Notification of Archaeology Works Commencing

The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in connection with the approved Heritage Impact Assessment Prepared For Ashwood Homes APS - Feb 19 in order to facilitate adequate monitoring arrangements.

There is no requirement for a submission to discharge this condition.

Condition 11 - Footway Provision

Plots 53-55 of the development hereby permitted shall not be occupied before a 2.0 metre wide footway, to connect the development to the existing footway network, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

The revised details are considered to be acceptable.

Condition 12 - Estate Road Junctions within Existing Highway

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 to and approved by the Local Planning Authority.

The revised details are considered to be acceptable.

Condition 13 - Surface Water

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 IDB and LCC as Lead Flood Authority raise no objection and therefore the details are considered to be acceptable.

Condition 14 - Construction Process Management Plan

A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along Fen Road and residential amenity.

- 1 Phasing of the development to include access construction
- 2 The parking of vehicles of site operatives and visitors
- 3 Loading and unloading of plant and materials
- 4 Storage of plant and materials used in construction
- 5 The Routes of construction traffic to and from the site including any off site routes for the disposal of excavated material

The details are a standard approach and are considered to be acceptable.

Condition 15 - Prevention of Mud on the Highway

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 beyond oversite. 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.

The details are a standard approach and are considered to be acceptable.

Condition 16 - Implementation of Open Space

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.

The details are a standard approach and are considered to be adequate.

Condition 17 - Open Space Management

A management plan for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted beyond oversite. The management of these areas shall be carried out in accordance with the details so approved.

The details are a standard approach and are considered to be adequate.

Other Matters

It is to be noted that the objectors' dwelling is to the East of Fen Road, and the development is to the West of Fen Road, and has no boundary with the objectors property, and thus do not seem to have a direct bearing on this application.

Disturbance during construction is by it's nature temporary. In addition, the host consent, H09-0276-19, includes conditions regarding a Construction Process Management Plan, the Prevention of Mud on the Highway, which are addressed by this application.

Issues of value of property are not planning matters and can be given very little weight.

Conclusion

The submitted details are acceptable.

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.