

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H09-1345-21	Applicant:	Gleeson Homes
Proposal:	Details of surface water drainage scheme, construction management plan & method statement, details of precautions to prevent mud deposits on public highways, lighting for roads & footpaths, landscaping, details of management & maintenance for areas of incidental open space, refuse & recycling collection points & parking courts/private drives, management plan for areas of publicly accessible open space & outdoor play areas and schedule of materials (Conditions 5, 6, 7, 9, 12, 15, 16 & 17 of H09-0602-20)		
Location:	Land Off Northon'S Lane Holbeach Spalding		
Terminal Date:	2nd September 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
12	Reserve Sites
16	Holbeach West Sustainable Urban Extension
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
33	Delivering a More Sustainable Transport Network
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

Representations:

	Object	Support	No Obj.	Comments
ENVIRONMENT AGENCY	0	0	0	1
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

CASE OFFICER ASSESSMENT**Proposal**

Details of surface water drainage scheme, construction management plan & method statement, details of precautions to prevent mud deposits on public highways, lighting for roads & footpaths, landscaping, details of management & maintenance for areas of incidental open space, refuse & recycling collection points & parking courts/private drives, management plan for areas of publicly accessible open space & outdoor play areas and schedule of materials (Conditions 5, 6, 7, 9, 12, 15, 16 & 17 of H09-0602-20)

Site Description

As host consent.

History

H09-0602-20. FULL. Construction of 103 one, two, three and four bed 2 storey traditional residential homes with associated garages and infrastructure. APPROVED. 16-12-21.

Consultation Responses**SHDC Environmental Protection**

No objection to construction management plan.

Highways & SUDS Support

A revised Construction Management Plan and Method Statement was submitted and LCC raise no objections.

The footpath/cyclepath on the north-eastern boundary, outlined with the red pen on the attached scan of the submitted 3117-A01-01 RevA drawing, is for 'recreational' use. It will not be adopted and can therefore be surfaced with self-binding gravel or crushed aggregate.

The footpath/cyclepath linking the internal estate road network to Boston Road on the east side of the site, outlined with the blue pen, is a vital link to encourage residents of the development to undertake some of their journeys on foot or by cycle. It will therefore be adopted as a public highway, and it must therefore be constructed to LCC adoptable footway specification. i.e. have a bitumen surface.

It is noted that the 3117-A01-01 RevA drawing does include a note (highlighted) identifying that the adoptable footpath/cyclepath (outlined in blue) is to be constructed with a crushed aggregate surface. This would not be acceptable and this note is inconsistent with the Section 38 Agreement drawing.

LCC will not be entering into a Section 38 Agreement for the adoption of the footpath/cyclepath that is outlined in blue if it is surfaced with crushed aggregate.

Environment Agency

No comment.

Anglian Water

No comment.

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 is sought prior to determination of the planning application.

Planning Considerations

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Condition 5

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 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 per hectare;*
- 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.

The details are considered to be adequate. South Holland Internal Drainage Board have made comment regarding their licencing regime and a copy of the letter shall be sent to the applicant with the decision notice for this application.

Condition 6

The development hereby permitted shall be undertaken in accordance with a phased Construction Management Plan and Method Statement that shall first be approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and the management of site drainage during the construction stage of the permitted development 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;*
- *wheel washing facilities;*
- *the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material, which shall not be undertaken via the existing residential roads of Oakwood Glade or Cedar Drive and;*
- *strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.*

There shall be no burning on site during construction or site preparation works.

The details are now considered to be adequate.

Condition 7

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.

The details are considered to be adequate.

Condition 9

Before the commencement of the development hereby permitted beyond oversite, the detailed design and location of all lighting to be provided to roads and footpaths within the development shall be submitted to and approved in writing by the Local Planning Authority and all lighting utilised in the development shall conform to the details so approved.

The details are considered to be adequate.

Condition 12

Notwithstanding the details submitted, before the commencement of the development hereby permitted beyond oversite, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

The details are now considered to be adequate. The scheme was revised in order that the lighting and landscaping coincided appropriately.

Condition 15

Before the commencement of development hereby permitted, details of the management and maintenance for the areas of any 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.

The details are now considered to be adequate. The scheme was revised in order to provide further clarification.

Condition 16

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 oversight. The management of these areas shall be carried out in accordance with the details so approved.

The details are now considered to be adequate. The scheme was revised in order to provide further clarification.

Condition 17

Notwithstanding the materials schedule submitted in support of this application, before the commencement of each phase of the development hereby permitted beyond oversight 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 private drive and parking areas shall be of a fixed tarmac finish. Loose gravel shall not be utilised.

The details are now considered to be adequate.

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.