

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-0367-23 **Applicant:** Loosegate Developments (Long Sutton) Ltd.

Proposal: Details of contamination, landscaping, boundary treatment, refuse & recycling, archaeological details, estate road & associated footways, surface water drainage scheme, travel plan, public open space including management plan and construction management including precautions to prevent mud deposit on public highway (Conditions 5, 6, 7, 8, 9, 16, 17, 18, 20, 21, 22 & 23 of H11-1207-17)

Location: Land Between Seagate Road & Wisbech Road Long Sutton Spalding

Terminal Date: 14th June 2023

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
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
33	Delivering a More Sustainable Transport Network
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed and beautiful 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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HISTORIC	0	0	0	1

ENVIRONMENT OFFICER				
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

The applicant seeks to discharge conditions 5, 6, 7, 8, 9, 16, 17, 18, 20, 21, 22 and 23 of planning application H11-1207-17. The conditions relate to :

- 5 (Contamination)
- 6 (Landscaping)
- 7 (Boundary)
- 8 (Refuse and Recycling)
- 9 (Archaeological)
- 16 (Estate Road)
- 17 (Surface Water)
- 18 (Travel Plan)
- 20/21 (Public Open Space)
- 22/23 (Construction Management Plan)

It should be noted that condition 16 is a compliance condition only and cannot be discharged. Whilst the information may be appropriate, the condition remains extant and only discharged through the reserved matters and associated process.

Site Description

The application site is located on land between Seagate Road and Wisbech Road. It benefits from an extant planning permission for a residential development of approximately 215 dwellings.

History

H11-1207-17 - Outline - Residential development of up to 215 dwellings - Approved 26-09-2019

H11-1346-21 - Reserved Matters - Erection of 171 dwellings and associated works - Approved 1-9-2022

H11-0882-21 - Full - Erection of 9 dwellings - Approved - 16-2-2022

H11-0076-22 - Section 73 Modification - Modification of Condition 12 to allow amendments to wording relating to Flood Risk Assessment - Approved 10-3-22

H11-0972-22 - Non Material Amendment - Amendment to position of plots 143, 144 & 172. Amendments to design of Yew, Blackthorn & Elder house types and solar panels added to all plots. - Approved 3-11-22

H11-0365-23 - Details of external materials of construction of buildings and hard surfaced areas and

management and maintenance schedule for areas of landscaping, incidental open space, drainage features, refuse & recycling collection points & parking courts/private drives (Conditions 2 & 5 of H11-1346-21) - Undetermined

Consultations

Highways

No objection: Whilst the highway details that have been submitted in pursuit of discharging the above numbered Conditions cover only the western part (up to phase 1B) of the wider development (granted Outline Consent under H11-1207-17), the matters that are the subject of Conditions 16, 17, 18, 22 and 23 are fully covered by the submitted details and are acceptable to the highway authority. Therefore the highway authority does not wish to object to the grant of Consent for this Application.

Historic Environment Officer

I can confirm that the written scheme of archaeological investigation submitted here meets the requirements of this office in respect of Condition 9 of planning permission H11-1207-17. We can therefore recommend that the local planning authority could now discharge Condition 9. We look forward to the archaeological work taking place on site and receiving a copy of the final report in due course.

Anglian Water

The surface water is discharging to non Anglian Water owned assets to a watercourse, this is outside of our jurisdiction for comment

IDB

I note that the applicant intends to discharge surface water into the Board's watercourse (H13 Falls Drain DRN199G1308) via a chamber in Seagate Road. The applicant has approached the Board to make an application for consent under Byelaw 3, which has been granted under reference 23_07770_C on 20th April 2023.

Environmental Protection

I have had a look at all the info in the phase 1 and 2 reports along with the further ground gas and ground contamination assessment and would agree with its findings that no further contamination remediation is required or gas protection measures required. I will make a comment on the application also.

Planning Considerations

Condition 5 - Contamination

The condition required the following information from the developer:

The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures

The applicant has submitted a Phase 1 & 2 site investigation report by Humberside materials laboratory. Environmental Protection have made comments stating that *I have had a look at all the info in the phase 1 and 2 reports along with the further ground gas and ground contamination assessment and would agree with its findings that no further contamination remediation is required or gas protection measures required. I will make a comment on the application also.*

The condition can therefore be discharged.

Condition 6 - Landscaping

The condition required the following information from the developer:

When application is made to the Local Planning Authority for approval of reserved matters, that application shall be accompanied by a scheme of landscaping and tree planting indicating, inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which that application relates, together with details of post-planting maintenance and such a scheme shall require the approval of the Local Planning Authority before any development is commenced. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced. 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 applicant has provided a 'Landscape Management Plan' dated March 2023. This condition however is compliance only and cannot be discharged. Whilst the information may be appropriate, the condition remains extant and only discharged through the reserved matters and associated process.

Condition 7 - Boundaries

The condition required the following information from the developer:

Prior to its installation, details of the proposed boundary treatment, including a schedule of 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.

Details of the boundary treatments are included on drawings LDC3699-PL-58C & 59C. The scheme of boundaries is considered acceptable and would provide a sufficient amenity for future residents whilst maintaining an appropriate level of character.

This condition was imposed in accordance with Policies 2 and 3 of the South East Lincs Local Plan and the National Planning Policy Framework, 2019 and is hereby discharged.

Condition 8 - Refuse

The condition required the following information from the developer:

Details of the means of storage and disposal of refuse and recycling shall be submitted to and be approved by the Local Planning Authority and the development shall not commence in advance of that approval. The approved scheme shall be fully implemented before any dwellings are occupied and shall thereafter be retained.

Bin stores for the proposed sites private drive areas are noted on the included drawings LDC3699-PL-58C & 59C; these are acceptable.

This condition was imposed in accordance with Policies 2 and 3 of the South East Lincs Local Plan and the National Planning Policy Framework, 2019 and is hereby discharged.

Condition 9 - Archaeology

The condition required the following information from the developer:

No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority

The applicant has submitted a Written Scheme of Investigation by Prospect Archaeology dated January 2022. The Historic places team have been consulted and have stated that "I can confirm that the written scheme of archaeological investigation submitted here meets the requirements of this office in respect of Condition 9 of planning permission H11-1207-17. We can therefore recommend that the local planning authority could now discharge Condition 9."

This condition was attached in accordance with Policy 29 of the South East Lincs Local Plan and the National Planning Policy Framework, 2019 and is hereby discharged.

Condition 16 - Estate Roads

The condition required the following information from the developer:

Before any dwelling is commenced, 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

Highways have been consulted and have stated that *The matters that are the subject of Conditions 16, 17, 18, 22 and 23 are fully covered by the submitted details and are acceptable to the highway authority* the information presented therefore as regards estate roads is considered acceptable.

The details are sufficient to discharge. Condition 16 is therefore discharged.

Condition 17 - Surface Water Drainage

The condition required the following information from the developer:

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority

The applicant has provided S104 agreed plans. The IDB and LLFA have been consulted and have no objections. The proposal is therefore considered to be acceptable.

This condition was imposed in accordance Policies 2, 3 and 30 of the South East Lincs Local Plan and is hereby discharged as far as phase 1b shown on drawing 'S38 Legal Layout Phase 1B' (SRLS-BSP-XX-XX-D-C-0106 Rev P04).

Condition 18 - Travel Plan

The condition required the following information from the developer:

Development shall not be commenced until a detailed Travel Plan has been submitted to and approved in writing by the local planning authority. Those parts of the approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.

A travel plan, completed by 'BHA Consulting' is included with this application. Highways have confirmed that this is acceptable. This condition is imposed in accordance Policies 2 and 3 of the South East Lincs Local Plan and is hereby discharged as far as phase 1b shown on drawing 'S38 Legal Layout Phase 1B' (SRLS-BSP-XX-XX-D-C-0106 Rev P04).

Condition 20 - POS

The condition required the following information from the developer:

Prior to the commencement of the development hereby permitted beyond oversight, a plan illustrating all areas of publicly accessible open space shall be submitted to and approved in writing by the Local Planning Authority.

The area of public open space has been indicated on drawings LDC3699-PL-58C & 59C. These plans are considered acceptable. This Condition is imposed in accordance Policies 2, 3 and 32 of the South East Lincs Local Plan and is hereby discharged.

Condition 21 - Management Plan

The condition required the following information from the developer:

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 applicant has provided a 'Landscape Management Plan' dated March 2023. This document is considered acceptable. This condition was imposed in accordance Policies 2, 3 and 32 of the South East Lincs Local Plan and is hereby discharged.

Condition 22 - Construction Management Plan

The condition required the following information from the developer:

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

A construction management plan has been completed by 'DBrown'. Whilst Highways have no objections Environmental Protection have not made comment. Given highways position and that environmental legislation would provide additional mitigation for construction working practices the information is sufficient to discharge the condition.

Condition 23 - Mud on Highway

The condition required the following information from the developer:

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.

A construction management plan has been completed by 'DBrown' which includes wheel washing. Highways have no objections to the outlined methods. This Condition is imposed in accordance Policies 2 and 3 of the South East Lincs Local Plan and is hereby discharged as far as phase 1b shown on drawing 'S38 Legal Layout Phase 1B' (SRLS-BSP-XX-XX-D-C-0106 Rev P04).

Conclusion

Conditions 5, 6, 7, 8, 9, 16, 17, 18, 20, 21, 22 and 23 of planning application H11-1207-17 are 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.