

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 04 October 2023

(Author: David Gedney - Senior Planning Officer)

Purpose: To consider Planning Application H13-0709-23

Application Number: H13-0709-23

Date Received: 07 August 2023

Application Type: CONDITION COMPLIANCE

Description: Details of external materials, landscaping, boundary treatments & screening, existing & proposed site levels & floor levels, construction management, contamination & pollution, storage & disposal of refuse & recycling, estate road & footways finished surface levels, surface water drainage scheme, foul water drainage works & archaeological investigation (Conditions 3, 4, 5, 6, 7, 9 (parts i-iii), 12, 15, 16, 17 & 20 of H13-1215-18)

Location: Land North of Roman Road Moulton Chapel Spalding

Applicant: Allison Homes

Agent:

Allison Homes

Ward: Cowbit, Weston and Moulton

Ward Councillors:

Cllr T E Sneath
Cllr A Casson
Cllr A R Woolf

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H13-0709-23>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The proposal raises issues that warrant consideration by Planning Committee.

2.0 PROPOSAL

2.1 The site has full planning permission for the erection of 86 dwellings and associated works, subject to conditions (ref. H13-1215-18). This application is essentially a re-submission of previous condition compliance applications which were refused on grounds that site and finished floor levels (FFLs) were too high (ref. H13-1082-21 and H13-0988-22). The latter has been appealed and a decision is awaited. The conditions are 3 (details of external materials), 4 (landscaping), 5 (boundary treatment/screening), 6 (existing and proposed site levels/floor levels), 7 (construction management), 9 (contamination - parts i-iii), 12 (refuse storage), 15 (construction of estate road and associated footways), 16 (surface water drainage scheme), 17 (foul water drainage works) and 20 (archaeological investigation).

2.2 As a background, application ref. H13-1215-18 was granted on 8 March 2021 accompanied by a S106 planning obligation for the provision of affordable housing (12 properties - approximately 14%), public open space, plus education (£112,764) and healthcare facilities (£28,380) contributions. The site is allocated for housing in the South East Lincolnshire Local Plan (Adopted 2019).

2.3 Application H13-1215-18 included details indicating that site levels would need to be raised to

accommodate gravitational drainage falls and this was referred to within the Committee report when the application was considered. The report stated that "a drainage plan submitted with the application indicates that finished floor levels (FFLs) would be in the region of 4.30m aOD to provide gravitational drainage falls. Appropriate screening should therefore be erected along this (western) boundary to protect the amenity of neighbouring residents." A pre-commencement site levels condition (no. 6 of H13-1215-18) was therefore imposed to ensure that the development would have a satisfactory relationship with neighbouring development. Officers are of the clear view that the applicant was therefore aware that levels had not been approved. Legal advice has been sought and the condition is considered sound (ie, site/finished floor levels have not been approved and are yet to be determined). Condition 6 is outlined below:

- 2.4 "Notwithstanding the submitted plans full details of the existing and proposed site levels and proposed floor levels of the buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority before development is commenced. The development shall be constructed in accordance with the details so approved.

Note: Finished floor levels and boundary screening shall be such as to protect neighbouring residents from significant overlooking at ground floor level.

Reason: To ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents, its visual and architectural relationship with adjacent development and also flood risk. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019."

- 2.5 The applicant consequently submitted condition compliance applications to discharge outstanding conditions, including application ref. H13-1082-21 relating to raised site and finished floor levels. Work commenced on site in April 2022 involving the importation of soil. Ground works have been undertaken and the road base course has been constructed at a raised level. Footings have also been laid for the first few houses near the entrance, with raised FFLs. SHDC Building Control were called out for a foundation inspection on 9 August 2022.
- 2.6 The above is prior to discharge of pre-commencement conditions (including levels). Whilst this is not an uncommon occurrence nationally, the Local Planning Authority (LPA) throughout has been completely clear, both verbally and in writing, with the applicant that doing so ahead of formal discharge of conditions is entirely at their own risk. That said, given the ongoing concern of residents in relation to the submitted plans, the LPA has strongly advised the applicant to cease works until the conditions are considered formally. The applicant has done so and is acutely aware that should works continue before the conditions are discharged the Authority will move to enforcement proceedings.
- 2.7 In short, officers are firmly of the view that the Local Planning Authority retains control over levels on this site and has external legal opinion to support this.
- 2.8 It should be noted that a condition compliance application relating to site and finished floor levels (ref. H13-1082-21) was refused on 9 June 2022 on grounds that they were too high. The proposed finished floor levels (FFLs) in respect of the proposed dwellings within the southern/western sections of the site, for example, were some 1.34m (plot 1) to 1.73m (plot 21) above existing ground levels.
- 2.9 A further condition compliance application was submitted relating to levels, boundary treatment and other matters in October 2022 (ref. H13-0988-22). This essentially related to works already carried out, including road and FFLs.
- 2.10 Although levels were reduced in some areas (mainly the western boundary) following the previous refusal, they were still considered unacceptable by the LPA. The application was therefore refused in March 2023 by the Planning Committee on grounds that the proposal would "result in an incongruous form of development that would be out of character with the area and would materially harm the amenity of neighbouring residents in terms of overlooking, lack of privacy and its overbearing effect."

- 2.11 This application reduces road levels, ground levels and FFLs, more in line with condition 8 of H13-1215-18, which requires FFLs to be at least 300mm above existing ground levels on flood risk grounds. The applicant has indicated that gravitational drainage would still be provided. More precise details are provided later in the report.
- 2.12 As was the case with the previous condition compliance application members should note that the legal advice considers that the planning permission has not been lawfully implemented. It further advises that the simplest way forward would be for the applicant to submit an acceptable application to discharge the outstanding conditions, including an appropriate scheme to discharge condition 6. This was the approach previously taken with application H13-0988-22. However, as outlined above, the Planning Committee did not believe that scheme was an acceptable solution and so refused it. The current application is a further attempt to address this issue. It should be noted that if Committee find the latest approach acceptable and approve this application, whilst this would not take away the unlawfulness of the commencement of development, it would provide a pragmatic and proportionate way forward.
- 2.13 It should be noted that an amended plan has recently been submitted relating to Section T-T (entrance road) which was originally incorrect. Re-consultations have been carried out and any comments reported verbally to the Planning Committee.

3.0 SITE DESCRIPTION

- 3.1 The site (some 3.9 ha) is located on the northern side of Roman Road and was formerly agricultural land. A drain runs along its northern boundary with agricultural land beyond.
- 3.2 Frontage dwellings are located to the south off Roman Road, including nos. 52 and 58 adjacent the new access roadway. Land associated with Greystones is situated to the east and residential development off Braybrooks Way, Wiles Avenue and Benton Close to the west.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 1 - Spatial Strategy.
Policy 2 - Development Management.
Policy 3 - Design of New Development.
Policy 4 - Approach to Flood Risk.
Policy 28 - The Natural Environment.
Policy 29 - The Historic Environment.
Policy 30 - Pollution.

National Guidance

National Planning Policy Framework (NPPF), 2023

Section 2 - Achieving Sustainable development.
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.
Section 16 - Conserving and Enhancing the Historic Environment.

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

- 5.1 H13-1215-18 - Full - Erection of 86 dwellings and associated works - Approved 8 March 2021.

Condition 8

The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority. In particular the following measures shall be fully implemented before the property is first occupied:

- Finished floor levels shall be set at least 300mm above existing ground level;
- Flood resilient construction shall be incorporated within the development up to 300mm above finished floor level.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.

- 5.2 H13-0846-21 - Cond Comp - Details of external materials, boundary treatment & construction management (Conditions 3, 5 & 7 of H13-1215-18) - Withdrawn.
- 5.3 H13-0977-21 - Cond Comp - Details of scheme to deal with contamination, estate road & footways, surface water drainage & foul water drainage including connection points & discharge rates (Conditions 9, 15, 16 & 17 of H13-1215-18) - Withdrawn.
- 5.4 H13-1082-21 - Cond Comp - Details of existing & proposed site levels & floor levels and hard surfaced areas (Condition 6 of H13-1215-18) - Refused 9 June 2022.
- 5.5 H13-0352-22 - Cond Comp - Details of scheme of landscaping and means of storage & disposal of refuse & recycling (Conditions 4 & 12 of H13-1215-18) - Withdrawn.
- 5.6 H13-0876-22 - Cond Comp - Details of archaeological investigation. (Condition 20 of H13-1215-18) - Withdrawn.
- 5.7 H13-0988-22 - Cond Comp - Details of external materials, landscaping, boundary treatments/screening, existing and proposed site levels/floor levels, construction management, contamination and pollution, storage and disposal of refuse and recycling, estate road and footways finished surface levels, surface water drainage scheme, foul water drainage works and archaeological investigation. (Conditions 3, 4, 5, 6, 7, 9 (parts i-iii), 12, 15, 16, 17 & 20 of H13-1215-18) - Refused 22 March 2023 for the reasons outlined below.

"In the opinion of the Local Planning Authority the raising of ground and finished floor levels would result in an incongruous form of development that would be out of character with the area and would materially harm the amenity of neighbouring residents in terms of overlooking, lack of privacy and its overbearing effect. As such it fails to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019, which indicate that new development should be in character and appearance and have a satisfactory relationship with existing development."

An appeal has subsequently been lodged and is ongoing.

6.0 REPRESENTATIONS

6.1 Moulton Parish Council

No response received.

6.2 LCC Highways/SUDs

No objections.

6.3 South Holland Internal Drainage Board

The applicant has been in contact to open discussions on the amendments made to their drainage strategy plans and the Land Drainage Consent process. We will continue to liaise directly with the applicant on this matter.

Please be advised that the Board has not approved the land drain outfalls on the eastern and western boundaries as indicated. However, they do not require Land Drainage Consent as we have been assured that their purpose is to drain permeable land only. The applicant has been informed of this in previous communications.

6.4 Environment Agency

No comments regarding the on-site foul drainage scheme.

6.5 Trees and Nature Conservation Officer

The existing Sycamore within the south-western area of the site is worthy of retention and protection (ref. H13-0988-22).

6.6 Environmental Protection (Noise)

No objections to construction management plan (ref. H13-0988-22).

6.7 Environmental Protection (Contamination)

No objections to discharge of parts i) to iii), with part iv) remaining outstanding.

6.8 Anglian Water

The gravity foul strategy to the existing public foul sewer is acceptable to Anglian Water.

6.9 LCC Historic Environment Officer

The written scheme of investigation submitted is acceptable. Condition 20 can be discharged.

6.10 Public

Objections received (summarised):

- Ground still too high. Out of character with neighbouring development.
- Present "ski slope" unacceptable.
- Overlooking/lack of privacy.
- Overshadowing/blockage of light
- Increased surface water run-off/flooding on Roman Road/neighbouring property.
- Private land drain along boundary will only work for short period and will eventually clog up and water flow onto neighbouring property. Needs to be under someone's ownership with manholes to ensure it is cleaned out by a responsible authority. Alternatively, move it away from boundary and alter land alignment away from neighbours.
- Development across the road not built on higher ground.
- Site should be level with current houses and bungalows.
- Disturbance to residents during construction phase (noise, dust, vibration, etc).
- Will all soil left on site be inert? Not clear in waste plan.
- Dwellings should not be built on site because archaeological relics found, some of which could be human remains?
- Mention use of calor gas. Should be renewable technology given the Govt's plan to become carbon neutral (eg, solar panels, heat pumps, rainwater harvesting, etc).
- No plan of type of properties to be put on site.
- Lack of infrastructure, services and public transport. Roads unsuitable for increased traffic.
- Limited biodiversity enhancements such as hedge planting, wild flower areas. Should have native hedge planting around boundaries and fencing inside boundary. Leylandii should be removed and replaced with native hedging.
- Request compensation for disruption to neighbours concerning removal of soil, etc.
- Application should not be considered until Govt review (appeal) has reached an outcome.

7.0 **CONSIDERATIONS**

7.1 **Key Planning Considerations**

- 7.2 Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.
- 7.3 In this case, the South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.
- 7.4 The policies and provisions set out in the National Planning Policy Framework (updated September 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.
- 7.5 The application is solely to discharge specific conditions attached to full planning permission ref. H13-1215-18 (86 dwellings), including conditions 6 (existing and proposed site levels/floor levels), 5 (boundary treatment/screening) and 16 (surface water drainage scheme). Concerns/objections raised relating to the principle of 86 dwellings on this site have previously been addressed and do not form part of this submission. The main issue in this case, therefore, is whether the submitted details are acceptable having regard to development plan policy and national advice.
- 7.6 **Evaluation**
- 7.7 Conditions 5 and 6 (existing and proposed site levels/floor levels and boundary treatment/screening)
- 7.8 Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) state that sustainable development considerations should be met in relation to such matters as the character and appearance of an area, relationship to existing development and amenity considerations. They are consistent with advice within the National Planning Policy Framework (2023). Paragraph 130, amongst other matters, states that development should be sympathetic to local character, including the surrounding environment, and seek places with a high standard of amenity for existing and future users.
- 7.9 Original grounds levels on the site were as follows. The areas of highest elevation were mostly found centrally, with a ground level in the region of 2.6 to 2.8m aOD. From this central area there was generally a gradual fall southwards and northwards, indicating two separate water catchments on site. The lowest elevations on the northern catchment of the site were found at the northern boundary where it meets the drain, aligned from west to east. The top of the bank was 2.33m aOD at the lowest point. The lowest elevations were at 2.1m aOD at the top of the bank of the ditch on the southern boundary of the site, although other levels near the entrance were in the region of 2.4 to 2.6m aOD. Roman Road close to the site's entrance is in the region of 2.8 to 2.9m aOD. Ground levels along the western boundary of the site vary between 2.5m aOD and 3.0m aOD approximately.
- 7.10 Condition 8 of H13-1215-18 stipulates that finished floor levels shall be set at least 300mm above existing ground level on flood risk grounds. However, the roadways currently constructed on site rise from 2.83m aOD at the Roman Road entrance to between 3.7m aOD to 4.4m aOD approximately at the highest point. The level of the adopted section of roadway closest the western boundary varies between 4.1m aOD and 4.4m aOD approximately. This accords with the previous refusal (ref. H13-0988-22), where finished floor levels (FFLs) of properties generally varied between 3.75m aOD in the northern section of the site to a maximum of 4.5m aOD within the central area. They were lowered to between 3.60m aOD and 4.00m aOD along the western boundary adjoining residential properties off Braybrooks Way, Wiles Avenue and Benton Close.
- 7.11 It is now proposed to lower the whole of the site more in line with condition 8 of H13-1215-18, which requires FFLs to be at least 300mm above existing ground levels on flood risk grounds. This would require removal of the existing road basecourse, house foundations and a significant amount of imported soil.
- 7.12 The level of the roadway presently constructed rises from some 2.83m aOD at the Roman Road entrance to between 3.7m aOD to 4.4m aOD approximately at the highest points. The level of

the adopted section of roadway closest the western boundary varies between 4.1m aOD and 4.4m aOD approximately. Following the previous condition compliance refusal (ref. H13-0988-22), which has been appealed, it is now proposed to lower it to between 2.83m aOD near the site entrance to 3.25m aOD approximately opposite plot 3 to 3.3m aOD at the highest point. The section of adopted roadway closest to the western boundary would be between 3.00m aOD and 3.28m aOD at the highest point. It has therefore been significantly lowered. For example, the level opposite plot 3 has been lowered by approximately 1.1 metres and is now only some 400mm above the level of the northern edge of Roman Road.

7.13 Ground and finished floor levels have also been reduced. In respect of the previous refusal (ref H13-0988-22), FFLs of properties generally varied between 3.75m aOD in the northern section of the site to a maximum of 4.5m aOD within the central area. They are now between 3.00m aOD and 3.25m aOD. They were slightly lower (between 3.60m aOD and 4.00m aOD) along the western boundary adjoining residential properties off Braybrooks Way, Wiles Avenue and Benton Close. They have now been reduced further to between 3.00m aOD and 3.15m aOD, a reduction of between 0.55 metres (plot 20) and 1 metre (plots 18 and 19) approximately.

7.14 The proposed ground and FFLs of some of the more sensitive plots adjoining boundaries are now as follows:

7.15 Frontage

Plot 1 adjoining No 52 Roman Bank.
FFL 3.20m aOD (previously 4.35m aOD - reduction of 1.15m).
Proposed ground level 3.05m aOD (previously 4.2m aOD).
Existing southern boundary ground level 2.93m aOD.
Difference in ground level to boundary = +0.12m (previously +1.27m). Reduction of 1.15m.
Distance between garage on plot 1 and boundary adjoining No 52 = 2.84m.
Fence height 1.8m.

7.16 Southern Boundary

Plot 9
FFL 2.90m aOD (previously 4.2m aOD - reduction of 1.3m).
Proposed ground level 2.75m aOD (previously 4.05m aOD).
Existing boundary ground level 2.76m aOD.
Difference in ground level to boundary = -0.01m (previously +1.29m). Reduction of 1.30m.
Distance of dwelling from boundary = 11.31m.
Proposed fence height 1.8m (existing high hedge along boundary).

7.17 Plot 11
FFL 2.90m aOD (previously 4.35m aOD - reduction of 1.45m).
Proposed ground level 2.75m aOD (previously 4.20m aOD).
Existing boundary ground level 2.79m aOD.
Difference in ground level to boundary = -0.04 (previously +1.38m). Reduction of 1.42m.
Distance of dwelling from boundary = 13.55m.
Proposed fence height 1.8m (existing high hedge along boundary).

7.18 Western Boundary (proposed fence along this boundary 1.8m close boarded fence on 300mm gravel board - total height 2.1m).

7.19 Plot 13
FFL 3.00m aOD (previously 3.75m aOD - reduction of 0.75m).
Proposed ground level 2.85m aOD (previously 3.60m aOD).
Existing boundary ground level 2.97m aOD.
Difference in ground level to boundary = -0.12m (previously +0.63m). Reduction of 0.75m.
Distance of dwelling from boundary = 16.19m.
Distance from neighbouring dwelling to west (no. 3 Benton Close) = 31m approx.

7.20 Plot 14
FFL 3.00m aOD (previously 3.75m aOD - reduction of 0.75m).
Proposed ground level 2.85m aOD (previously 3.60m aOD).
Existing boundary ground level 2.98m aOD.

Difference in ground level to boundary = -0.13m (previously +0.62m). Reduction of 0.75m.
Distance of dwelling from boundary = 14.83m
Distance from neighbouring dwelling to west (No. 5 Wiles Avenue) = 31m approx.

- 7.21 Plot 15
FFL 3.00m aOD (previously 3.6m aOD - reduction of 0.6m).
Proposed ground level 2.85 (previously 3.45m aOD).
Existing boundary ground level 2.98m aOD.
Difference in ground level to boundary = -0.13m (previously +0.47m). Reduction of 0.6m.
Distance of dwelling from boundary = 16.42m
Distance from neighbouring garage to west (No. 4 Wiles Avenue) = 22m approx (existing Sycamore tree in rear garden).
- 7.22 Plot 16
FFL 3.05m aOD (previously 3.75m aOD - reduction of 0.7m).
Proposed ground level 2.90m aOD.
Existing boundary ground level 2.86m aOD.
Difference in ground level to boundary = +0.04m (previously +0.74m). Reduction of 0.7m.
Distance of dwelling from boundary = 12.73m
Distance from neighbouring dwelling to west (Nos. 3-4 Wiles Avenue) = 25.4m approx.
- 7.23 Plot 17
FFL 3.10m aOD (previously 3.85m aOD - reduction of 0.75m).
Proposed ground level 2.95m aOD (previously 3.70m aOD).
Existing boundary ground level 2.74m aOD
Difference in ground level to boundary = +0.21m (previously +0.96m). Reduction of 0.75m.
Distance of dwelling from boundary = 12.99m
Distance from neighbouring dwelling to west (Nos 2-3 Wiles Avenue) = 24.9m approx.
- 7.24 Plot 18
FFL 3.00m aOD (previously 4.00m aOD - reduction of 1m).
Proposed ground level 2.85m aOD (previously 3.70m aOD).
Existing boundary ground level 2.73m aOD
Difference in ground level to boundary = +0.12 (previously +0.97m). Reduction of 0.85m.
Distance of dwelling from boundary = 12.54m.
Distance from neighbouring dwelling to west (No. 2 Wiles Avenue) = 27.3m approx.
- 7.25 Plot 19
FFL 3.00m aOD (previously 4.00m aOD - reduction of 1m).
Proposed ground level 2.85m aOD (previously 3.70m aOD).
Existing boundary ground level 2.72m aOD
Difference in ground level to boundary = +0.13m (previously +0.98m). Reduction of 0.85m.
Distance of dwelling from boundary = 13.88
Distance from neighbouring dwelling to west (No. 1 Wiles Avenue) = 28.5m approx.
- 7.26 Plot 20
FFL 3.15m aOD (previously 3.70m aOD - reduction of 0.55m).
Proposed ground level 3.00m aOD (previously 3.55m aOD).
Existing boundary ground level 2.61m aOD
Difference in ground level to boundary = +0.39m (previously +0.94m). Reduction of 0.55m.
Distance of dwelling from boundary = 4.76m
Distance from neighbouring dwelling to west (no 31 Braybrooks Way) = 8.28m (dwellings at angle to each other).
- 7.27 Plot 21
FFL 3.05m aOD (previously 3.80m aOD - reduction of 0.75m).
Proposed ground level 2.90m aOD (previously 3.65m aOD).
Existing boundary ground level 2.62m aOD
Difference in ground level to boundary = +0.28m (previously +1.03m). Reduction of 0.75m.
Distance of dwelling from boundary = 14.2m
Distance from neighbouring dwelling to west (no 25 Braybrooks Way) = 25.7m approx.

- 7.28 Plot 22

FFL 3.05m aOD (previously 3.80m aOD - reduction of 0.75m).
 Proposed ground level 2.90m aOD (previously 3.65m aOD)
 Existing boundary ground level 2.69m aOD
 Difference in ground level to boundary = +0.21m (previously +0.96m). Reduction of 0.75m.
 Distance of dwelling from boundary = 13.10m
 Distance from neighbouring dwelling to west (nos. 23-25 Braybrooks Way) = 24.1m approx.

- 7.29 Plot 23
 FFL 3.05m aOD (previously 4.00m aOD - reduction of 0.95m).
 Proposed ground level 2.90m aOD (previously 3.85m aOD)
 Existing boundary ground level 2.82m aOD
 Difference in ground level to boundary = + 0.08m (previously +1.03m). Reduction of 0.95m.
 Distance of dwelling from boundary (No 23 Braybrooks Way) = 14.08m.
- 7.30 Eastern Boundary
- 7.31 Plot 77
 FFL 3.00m aOD (previously 3.90m aOD - reduction of 0.9m).
 Proposed ground level at rear 2.85m aOD (previously 3.45m aOD)
 Existing boundary ground level 2.70m aOD
 Difference in ground level to boundary = +0.15 (previously +0.75m). Reduction of 0.6m.
 Distance of dwelling from boundary = 2.4m approx.
 Proposed fence height 1.8m (plus neighbouring hedge).
- 7.32 Plot 85
 FFL 3.00m aOD (previously 4.20m aOD - reduction of 1.2m).
 Proposed ground level 2.85m aOD (previously 4.05m aOD).
 Existing eastern boundary ground level 2.95m aOD
 Difference in ground level to boundary = -0.10m (previously +1.1m). Reduction of 1.20m.
 Distance of dwelling from eastern boundary (Greystones) = 5m approx
 Proposed fence height 1.8m (plus neighbouring hedge).
- 7.33 Finished floor levels of properties along the western boundary (plots 13-23) would therefore be between 3.00m aOD and 3.15m aOD as opposed to between 3.60m aOD and 4.00m aOD previously. It can therefore be seen that there is a significant reduction. There is generally a degree of separation between neighbouring properties and the proposed dwellings. Plot 20 has a FFL of 3.15m aOD but is at an angle to the neighbouring dwelling. Ground level adjoining the rear elevation of plot 20 would be 2.85m aOD. To alleviate overlooking, especially around the area of plots 20 and 21, boundary screening along the western boundary should consist of 1.8m close boarded fencing on 300mm concrete gravel boards (total height 2.1m).
- 7.34 The 4 bed house on plot 1 is also sensitive in the sense that it adjoins properties (Nos. 48-52) fronting Roman Road. However, the plot is located to the north of Nos. 48-52 and the new house has a garage on its southern elevation. The FFL in respect of this plot would be 3.20m aOD (previously 4.35m aOD) and a proposed ground level of 3.05m aOD, compared to an existing level of 2.93m aOD approximately along the common boundary with Nos. 48-52. 1.8m closeboarded fencing is therefore proposed to alleviate overlooking.
- 7.35 In respect of plots along the southern boundary and plot 85, there is existing leylandii hedging along these boundaries and/or a degree of separation from neighbouring properties. In respect of the entrance road, there is also a degree of separation from the properties to each side (nos. 52 and 58 Roman Road).
- 7.36 Concluding, therefore, site levels are no longer being significantly raised. As a result, the proposal would not be out of character with the area, nor materially harm the amenity of neighbouring residents in terms of overlooking, lack of privacy, overbearing effect, overshadowing, etc, subject to proposed boundary screening. The proposal therefore complies with the aims and objectives of Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.
- 7.37 Condition 16 (surface water drainage scheme)

- 7.38 A SUDs scheme would be utilised to dispose of surface water, including swales and an enlarged pond/ attenuation basin, with an outfall to a South Holland Internal Drainage Board drain running along the northern boundary of the site. The surface water strategy details that have been submitted are reflective of the approved FRA and add further design detail for swales and run off from hard surfaces.
- 7.39 The applicant has agreed to install land drains along the site's eastern and western boundaries to address any issues of surface water run-off given that ground levels would be raised slightly in respect of some plots, with an outfall to the drain along the northern boundary.
- 7.40 The Lead Local Flood Authority and the South Holland Internal Drainage Board have raised no objections to the submitted details. The latter issued Land Drainage Consent to discharge surface water to a watercourse from this development on 30 May 2022. This will need to be amended to reflect the revised scheme.
- 7.41 The proposal complies with the aims and objectives of Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019 in this respect.
- 7.42 Other outstanding conditions
- 7.43 Condition 3 (External Materials) - It is proposed to utilise a combination of red (Staplefield Stock and Holmbury Handmade) and buff (AAB Buff Handmade and AAB Mersea Buff Handmade) bricks, plus some white render. Roof tiles would be Sandtoft Double Pantiles (Rustic) or Sandtoft Calderdale Slates (Grey).
- 7.44 Materials within the general locality are varied. The proposed materials are considered appropriate. The proposal complies with the aims and objectives of Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.
- 7.45 Condition 4 (Landscaping) - The landscaping scheme includes both native tree and hedge planting, including within the areas of public open space and at the site's entrance. An existing Sycamore tree within plot 15 is to be retained and has been made the subject of a provisional tree preservation order (Tree Preservation (Moulton Chapel No. 7) Order 2022). A note should be attached indicating that any drainage works within the spread of this tree and neighbouring trees should be carried out by hand and care taken not to damage tree roots. Areas of public open space would be maintained by a management company.
- 7.46 The proposal constitutes a biodiversity enhancement and complies with the aims and objectives of Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 in this respect.
- 7.47 Condition 7 (Construction Management) - A construction method statement has been submitted which provides details of hours of working and good working practices to be adhered to during the construction period. A material storage area, compound and car parking area would be provided within the site, plus a sales area. The working hours would be between 7.30am - 5.00pm Monday to Friday. If Saturday working becomes necessary, it would be restricted to the hours of 8.30am - 1.00pm, with no working on Sundays and Bank Holidays. Material suppliers are to be instructed not to arrive prior to 7.30am to avoid disturbance to neighbours. The first point of contact from members of the public or interested parties would be with the site manager. Environmental Protection (Noise) have raised no objections to the construction management plan.
- 7.48 The proposal complies with the aims and objectives of Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in this respect.
- 7.49 Condition 9 (Contamination) - The application is accompanied by a Ground Investigation Report, Phase 1 Geo-Environmental Desk Study and Remediation Method Statement.
- 7.50 The Phase 1 Geo-Environmental Desk Study indicates that there were no plausible contaminant linkages active on the site when the survey was carried out in January 2023. The Remediation Method Statement indicates that previously imported soil will be removed down to

the proposed levels, along with the road base, etc. It indicates that a risk assessment will be carried out during this phase and particular attention paid to dust, noise and vibration due to the nature of the works and the residential area. Environmental Protection have been consulted and have no objections to parts i)-iii) being discharged, with part iv) remaining outstanding. Part iv) would consist of the submission of a validation report to validate the imported fill material for each plot prior to completion and would be provided by an independent Geotechnical Consultant.

- 7.51 The proposal complies with the aims and objectives of Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019, subject to part iv) being subsequently discharged.
- 7.52 Condition 12 (Refuse storage) - Bin collection points have been provided at the entrance to private drives.
- 7.53 The proposal complies with the aims and objectives of Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 in this respect.
- 7.54 Condition 15 (Construction of estate road and associated footways) - The applicant is currently securing Technical Approval directly from the highway authority for the amended arrangement of the adoptable highways and the drainage within this previously consented residential development. That process is sufficiently well advanced to ensure that the fundamental requirements for safe and suitable access and for the drainage of the site can be met. Accordingly, the highway authority does not wish to object to the discharge of the conditions the subject of this application.
- 7.55 The proposal complies with the aims and objectives of Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.
- 7.56 Condition 17 (Foul water drainage works) - Foul water will be disposed via the mains sewer. Anglian Water has confirmed that the foul water drainage strategy is acceptable. It should be noted that the latter has a statutory duty to provide and maintain satisfactory public sewerage assets.
- 7.57 The proposal complies with the aims and objectives of Policies 2, 3, 4 and 30 of the South East Lincolnshire Local Plan, 2019 in this respect.
- 7.58 Condition 20 (Archaeology) - LCC Archaeology has confirmed that the written scheme of archaeological investigation submitted meets its requirements and therefore recommends discharge of Condition 20.
- 7.59 The proposal complies with the aims and objectives of Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 in this respect.
- 7.60 **Conclusion**
- 7.61 That conditions 3, 4, 5, 6, 7, 9 (parts i-iii), 12, 15, 16, 17 & 20 of planning permission ref. H13-1215-18 be discharged.

8.0 RECOMMENDATIONS

- 8.1 **That the application be approved subject to conditions/notes listed within Section 9.**

9.0 CONDITIONS

1. Proposed finished floor levels of the buildings and proposed site levels of the highway, hard surfaced areas and garden/amenity areas shall be strictly in accordance with details shown on dwg. no. L181/PLANSECTION/01 Rev. J accompanying the application. The development shall be constructed and retained in accordance with the details so approved.

Reason: To define the terms of the permission in the interests of the character, appearance and amenities of the locality.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained within the National Planning Policy Framework, 2023.

2. Boundary screening shall be in accordance with details shown on dwg. no. L181/CHARTER/01 Rev D. Screening along the western boundary shall consist of 1.8 metre close boarded fencing on 300mm concrete gravel boards (total height 2.1 metres above ground level).

Reason: For the avoidance of doubt and to define the terms of the permission, in the interests of the amenities of the locality.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained within the National Planning Policy Framework, 2023.

3. No dwelling shall be occupied until land drains have been provided along the eastern and western boundaries of the site in accordance with the approved details. They shall thereafter be retained and maintained in full working order.

Reason: To ensure a satisfactory development and alleviate surface water run-off onto neighbouring property, in the interests of the amenities of the locality.

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained within the National Planning Policy Framework, 2023.

4. Note: The determined plans are:
Discharge of Conditions Statement by Allison Homes dated August 2023
L181/SITE/01 Rev G
L181/CHARTER/01 Rev D
JBA21/255-01 Rev B
JBA21/255-02 Rev B
JBA21/255-03 Rev B
JBA21/255-04 Rev B
40-01 Rev P12
40-02-01 Rev P4 Sheet 1 of 2
40-02-01 Rev P4 Sheet 2 of 2
40-03-01 Rev P5
40-03-02 Rev P5
40-04 Rev P5
40-05 Rev P8
40-06 Rev P3
40-07-01 Rev P5
40-07-02 Rev P5
40-08 Rev P8
40-12 Rev P9
40-13 Rev P11
40-15-01 Rev P7
40-15-02 Rev P7
40-16 Rev P5
40-17-01 Rev P4
40-17-02 Rev P5
40-17-03 Rev P3
40-18 Rev P12
40-19-01 Rev P4
40-19-02 Rev P4
40-19-03 Rev P4
40-19-04 Rev P4
40-19-05 Rev P5
40-19-06 Rev P2
40-19-07 Rev P2
40-20 Rev P2
40-21-01 Rev P2
40-21-02 Rev P2
L181/LANDDRN/01 Rev C
L181/PLANSECTION/01 Rev J
L181/SEC/A-A Rev B
L181/SEC/B-B Rev B
L181/SEC/C-C Rev B
L181/SEC/D-D Rev D
L181/SEC/E-E Rev D
L181/SEC/F-F Rev D
L181/SEC/G-G Rev D
L181/SEC/H-H Rev D
L181/SEC/I-I Rev D
L181/SEC/J-J Rev D
L181/SEC/K-K Rev D
L181/SEC/L-L Rev D
L181/SEC/M-M Rev D
L181/SEC/N-N Rev D
L181/SEC/O-O Rev C
L181/SEC/P-P Rev B
L181/SEC/Q-Q Rev D
L181/SEC/R-R Rev E
L181/SEC/S-S Rev E
L181/SEC/T-T Rev D
L181/SEC/U-U Rev A
L181/SEC/V-V Rev A
Construction Management Plan by Larkfleet Homes Ltd dated July 2021
L181/CMP/01 Rev E
Ground Investigation Report by EPS (ref. no. UK18.4158 issue 1) dated 26 October 2018
Phase 1 Geo-Environmental Desk Study by EPS (ref. no. UK22.6185 Issue 2) dated 20 January 2023
Remediation Method Statement by Tangent Group dated 14 July 2023

5. Note: Your attention is drawn to advice from the South Holland Internal Drainage Board accompanying the application advising that land drainage consent will be required from the Board for the amended scheme. Please contact the Drainage Board directly for further information.
6. Note: All drainage works within the spread of the preserved Sycamore tree and also neighbouring trees along the western boundary in particular should be carried out by hand and care taken not to damage tree roots whatsoever.

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A
Appendix B 08.02.23 Committee Report

MapThat Scale Print Title

