



Discharge of Conditions Statement

Roman Road, Moulton Chapel

August 23

ALLISON HOMES LTD

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## 1. Introduction

- 1.1 This statement has been prepared by Allison Homes to address each of the conditions which we have applied to discharge at our development site at Roman Road, Moulton Chapel.
- 1.2 This statement will provide background to the current situation and review each condition which has been applied to be discharged.

## 2. Background

- 2.1 Planning application H13-1215-18 was approved on the 8 March 2021. The full application proposed the erection of 86 dwellings and associated works. The approved development would provide for 74 private and 12 affordable dwellings with a play area. The affordable dwellings have been secured in perpetuity through a Section 106 Legal Agreement which also requires for financial contributions to be made; specifically £112,764.00 towards Moulton Chapel Primary School and a National Health Service payment of £28,380.00.
- 2.2 The application was approved by Planning Committee with a number of conditions attached, some of which require for information to be agreed at certain stages of the development process.
- 2.3 Allison Homes have previously submitted several Discharge of Condition applications to the Council; at the request of the Council these were withdrawn and a combined application to Discharge Conditions was submitted (application ref H13-0988-22 ). The application was refused by Planning Committee and the Decision Notice issued on 22 March 2023.

The reason for refusal was detailed as the following:

*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.*

*The above policies are consistent with advice within the National Planning Policy Framework, 2021. Paragraph 130, amongst other matters, establishes that planning policies and decisions should ensure that developments will add to the overall quality of the area and are sympathetic to local character and history, including the surrounding built environment. It also seeks places with a high standard of amenity for existing and future users*

- 2.4 In combination with the decision notice for the refusal of the conditions application the Council also served an Enforcement Notice. These notices have both been appealed by Allison Homes and it is now at the discretion of the Planning Inspector to make a decision on their suitability, or otherwise. Allison Homes ceased work on site when requested to do so, which was in October 2022.
- 2.5 Allison Homes have investigated various solutions to resolve the current situation and ensure continued development of the approved scheme. To this regard we are proposing to undertake works that would result in the built finished floor levels being circa 300mm to 500mm above the original ground levels. Which we believe is consistent with the Environment Agency advice and other developments in the locality and district.
- 2.6 Prior to the submission of this application Allison Homes informed the local Parish Council members, District Councillors and Planning Officers of our proposal. The Parish Council helped to organise a site visit which was attended by PC Councillors and a District Councillor.

### 3. Conditions to be considered

#### Condition 3 (Materials)

- 3.1 Condition 3 requires that a schedule of external materials for construction of buildings and hard surfaced areas shall be submitted to and approved by the Council and that the development shall be constructed in accordance with the approved materials.
- 3.2 Allison Homes have submitted a site plan that details which materials would be used on each surface, buildings and hard landscaping. It is proposed to utilise red and buff bricks with white render. Roof tiles would be red rustic pantile or a grey slate.
- 3.3 We consider that the materials proposed are appropriate for the locality and consistent with those agreed through the full application. We believe that the materials are well considered and will result in a visually attractive development. We also note that to date there have been no objections to the proposed materials.

#### Condition 4 (Landscaping)

- 3.4 Allison Homes have submitted comprehensive landscaping plans which detail a range of new tree and grass planting. We consider that the landscaping scheme will complement the trees and hedges which we have retained and provide not only a successful landscaping outcome but also provide for biodiversity improvements.
- 3.5 To date there have been no objections raised regarding the landscaping proposal, however we are open to discussions on whether there is any requirement for further planting at specific parts of the site to aid with amenity enhancements or to improve general aesthetics.

### Condition 5 (Boundary Treatments)

- 3.6 Boundary treatments would consist of metal railings on the public open space, larch lap fencing between the new dwellings and 1.8m high close board fencing along the boundaries of the site. Where fencing is proposed to be erected close to existing trees we will employ a no dig methodology.
- 3.7 We consider that these boundary treatments are appropriate for the site and will provide a high-quality outcome both in the POS and private garden areas. We also consider that the 1.8m fencing in garden areas will provide sufficient screening in terms of privacy, however we are open to discussion on the inclusion of a 300mm trellis on top of the fence, if considered necessary.

### Condition 6 (Finished Floor Levels)

- 3.8 Condition 6 of the planning approval states the following:

*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.*

- 3.9 The Discharge of Conditions application has been submitted with plans that detail the finished floor levels, garden levels and the levels that other built form structures will be constructed to. We have also provided cross sections for specific plots and across the site, including the access.
- 3.10 The plot cross sections are annotated with 1.8m tall figure, from that figure there is a visual splay drawn at eye height (1.6m). The splay shows what would be visible to the new residents when looking towards the existing dwellings. We believe that the drawings demonstrate that there will be no loss of amenity to the ground floor of neighbouring dwellings or their garden areas, which is clearly one of the main objectives of the condition.
- 3.11 Allison Homes have also provided a series of cross sections through the site to enable the decision makers to appreciate the levels across the site and with those adjacent properties.

We consider that these drawings demonstrate that the proposed levels will not result in a development which is in any way out of keeping with the locality.

- 3.12 We believe that the details submitted confirm that the levels proposed will ensure that amenity for both new and existing dwellings will be of a high standard.

**Condition 7 (Construction Management Plan)**

- 3.13 Allison Homes have submitted a detailed Construction Management Plan (CMP) that details hours of working and good working practices to be adhered to during the construction period. The CMP and on site management measures are being put in place to ensure that employees do not breach this important agreement.
- 3.14 We have also included within our CMP details a note from Tangent, our contractors, which provides an overview of the works required to remove material from site which will no longer be required.

**Condition 9 (Contaminated Land)**

- 3.15 Environmental Protection Strategies Ltd (EPS) undertook a Phase 1 Ground Investigation Report on behalf of Allison Homes. This document has been submitted to the Council for consideration.
- 3.16 We supplied the same details in the previous application with confirmation that we would undertake a verification test, the Council Officers accepted that methodology.

**Condition 12 (Refuse Disposal)**

- 3.17 Allison Homes have submitted a plan which details where the bin collection points would be on the site, also each dwelling has sufficient garden ground and hardstanding areas to store bins to the rear of the properties.
- 3.18 We note there have been no objections raised to the refuse plan.

**Condition 15 (Estates Road)**

- 3.19 We have provided cross sections of road construction and a plan identifying those areas which will be adoptable highway, and therefore constructed to that standard.
- 3.20 The technical details of the roads and footways have been approved by Lincolnshire County Council as the highway authority.

**Condition 16 (Surface Water)**

- 3.21 The surface water strategy details that have been submitted are fully reflective of the approved FRA strategy and just add further design detail for swales, storage and run off from hard surfaces.

- 3.22 We note that these details will have to be reviewed by Anglian Water, Lincolnshire County Council, the IDB and the Environment Agency. Previously we had not encountered any objections and we would anticipate the same outcome again, but we will of course respond to any queries or requests for further information.

#### **Condition 17 (Foul Water Drainage)**

- 3.23 Plans have been submitted which provide the detailed design for private foul water connections and how they connect into the wider site system and then to the Anglian Water foul connection point.
- 3.24 These details build upon the information already supplied, and approved, as part of the full planning application and have been previously reviewed by the EA and Anglian Water with no objections received.

#### **Condition 20 (Archaeology)**

- 3.25 The condition required for the submission of a written scheme of archaeological investigation to be submitted and approved in writing by the Local Planning Authority.
- 3.26 Allison Homes have provided that information and Lincolnshire County Council have previously confirmed it as acceptable.

## **4. Conclusion**

- 4.1 It is Allison Homes' view that subject to consultee responses the conditions can be discharged.
- 4.2 Condition 6 is clearly the most complex matter, but we believe that the details provided demonstrate that by virtue of the proposed levels, separation distances and fencing there will be no loss to residential amenity on the ground floor of the neighbouring dwellings. Allison Homes are open to a conversation on any suggestions regarding bespoke plot solutions that may come from consultation with neighbours and we are prepared to engage with all stakeholders to address matters which may be brought forward.
- 4.5 We accept that the application will need to be notified to neighbours and any consultees that the Council deem appropriate. It is our intention to continue dialogue with officers through that consultation period and actively seek to resolve any issues that are raised, with the aim that we can work with all parties to quickly come to a positive determination on this submission and continue with delivering this high quality scheme in Moulton Chapel.