SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 08 February 2023

(Author: David Gedney - Senior Planning Officer)

Purpose: To consider Planning Application H13-0988-22

Application Number:	H13-0988-22	**Date Received:**	10 October 2022
Application Type:	CONDITION COMPLIANCE		
Description:	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)		
Location:	Land north of Roman Road Moulton Chapel Spalding		
Applicant:	Allison Homes	**Agent:**	Allison Homes
Ward:	Cowbit, Weston and Moulton	**Ward Councillors:**	Cllr R Grocock 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=H13-0988-22

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application 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). The site is allocated for housing in the South East Lincolnshire Local Plan (Adopted 2019). This application is to discharge conditions 3 (details of external materials), 4 (landscaping), 5 (boundary treatment/screening), 6 (existing and proposed site levels/floor levels), 7 (construction management), 9 (contamination), 12 (refuse storage), 15 (construction of estate road and associated footways), 16 (surface water drainage scheme), 17 (foul water drainage works) & 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.

2.3 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. Footings have been laid for the first few houses near the entrance and SHDC Building Control were called out for a foundation inspection on 9 August 2022.

2.4 The aforementioned works on site occurred prior to discharge of pre-commencement conditions (including levels) related to application ref: H13-1215-18. 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 both officers and residents in relation to the submitted plans, the LPA subsequently strongly advised the applicant to cease works until the conditions are considered formally. They agreed to do so and are acutely aware that should works continue before the conditions are discharged the Authority will move to enforcement proceedings.

2.5 For further context 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 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 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 fully aware that levels had not been approved at the time work commenced on site. Condition 6 is outlined below:

"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."

2.6 It should be noted that a previously submitted condition compliance application ref. H13-1082-21 was refused by officers under delegated authority on 9 June 2022. This related to site and finished floor levels, which were considered too high. The proposed finished floor levels 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. The reason for refusal is outlined below:

"The submitted details propose a significant increase in site and finished floor levels, which would have a material impact upon the amenity of neighbouring residents in terms of overlooking and lack of privacy, especially those to the west off Braybrooks Way, Wiles Avenue and Benton Close. To address this matter, a fence well in excess of 3 metres in height would be required along the western boundary, which in itself would have an unacceptable impact upon the amenity of neighbouring residents."

2.7 Further to this refusal a number of applications to discharge conditions were outstanding and submitted (see relevant planning history section of this site) to include revised details on site levels. Given on-going concerns officers sought specialist external legal advice. That legal opinion considers Condition 6 to be a condition which goes to the heart of the planning permission and the Applicant has sought to commence development in breach of it. Condition 6 is considered sound (i.e. site/finished floor levels have not been approved and are yet to be determined).

2.8 The legal advice considers that the planning permission has not been lawfully implemented. It further advised that the simplest way forward would be for the applicant to withdraw those outstanding condition compliance applications and for a new suite of applications for discharge to be submitted, including an appropriate scheme to discharge condition 6. It outlines that these details may well need to be taken back to Committee. It concludes that whilst this would not take away the unlawfulness of the commencement of development, it would provide a

pragmatic and proportionate way forward.

2.9 On that basis Officers have followed the above legal advice and protracted discussions have taken place between the Local Planning Authority and applicant to reduce site levels, particularly along the western boundary. As a result, the applicant has submitted amended plans to this effect, which are those currently before Committee and the basis for considerations in this report. In this instance the Planning Committee is the decision taker and as such it will be for the Committee to determine whether the submitted details are appropriate.

2.10 It should be noted that FFLs throughout the whole site still exceed 300mm above existing ground level, as required on flood risk grounds. That said, the application is not in breach of condition 8 of H13-1215-18, since it stipulates that "finished floor levels shall be set at least 300mm above existing ground level".

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 30 - Pollution;

National Guidance

National Planning Policy Framework (NPPF), 2021

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.

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H13-1215-18 - Full - Erection of 86 dwellings and associated works - Granted 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.

6.0 REPRESENTATIONS

6.1 Moulton Parish Council

Do not agree with anything to do with this planning and ongoing application even its amendments are trying to paper over a bodge job caused by a planning department that does not have standard procedures that cover new estates in the same road. I hope these new houses are going to be supplied with a boat as all roads will be under 5 Feet of water but at least these houses will be dry.

Request that the Planning Committee carries out a site visit to view and discuss the concerns raised.

6.2 Cllr A R Woolf

Having seen the most recent amendment, I have no option than to submit my objection to any further development on this site.

The developer appears to show very little improvement, and were this application to proceed, the development would appear like a mountain of properties within Moulton Chapel. It is quite simple to state that were this application to be approved, it would not only be unsightly, but a huge flood risk to the lower levelled properties surrounding the area.

Although not direct planning related, this site has a very chequered history with viability being used to reduced S106. It appears that where pumping systems should be, there are mounds which come at a lower cost.

I still ask for this application to be determined at Planning Committee, but recommend the committee not only refuse the application, but visit the entrance of the site prior to ascertain the sheer increase in height, most notably the "ski-slope" entrance.

6.3 LCC Highways/SUDs

No objections. Although the gradient on the access road could be greater than local residents might expect to see, it is pretty much standard fare for many residential schemes elsewhere in the county. I don't think there would therefore be sufficient justification, in highways terms, for requiring a re-design.

6.4 South Holland Internal Drainage Board

The South Holland Internal Drainage Board issued Land Drainage Consent to discharge surface water to a watercourse from this development on 30/05/2022.

6.5 Trees and Nature Conservation Officer

Existing Sycamore within south-western area of the site is worthy of retention and protection.

6.6 Environmental Protection (Noise)

No objection to construction management plan.

6.7 Environmental Protection (Contamination)

Environmental Protection have assessed the submitted information and recommend discharge of parts i) to iii), 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.

6.8 Anglian Water

The foul strategy is acceptable to Anglian Water. We can therefore recommend discharge of condition 17.

6.9 LCC Historic Environment Officer

No objections.

6.10 The Rt Hon Sir John Hayes CBE MP

I submitted objections to the original application for 99 dwellings on this site and to further amendments to reduce the number of properties to 85.

Of course, my original reasons for objecting remain - the increase in population will clearly give rise to more demand on local GPs, dental practices and schools which are already oversubscribed.

The increase in traffic movements will have a detrimental impact on the village.

Local residents do not want to see large scale development at the detriment of the character of the village. Moulton Chapel must not be allowed to become merely a commuter village for those that want to live close to Peterborough and the amenities it offers, such as the rail link to London.

However, following the initial construction of the site it has become apparent that the scale and height level of this development will overwhelm neighbouring properties and, indeed, the village. I am extremely concerned about the flooding of nearby homes, which are at a much lower level, along with the loss of their privacy and amenity.

The entrance to the site is simply, quite remarkable; dominating the street scene and completely out of character with the surrounding area.

I appreciate that amendments have been submitted but these do not reassure residents, or me. I therefore formally object to the application.

6.11 Public

Objections received (summarised):
- Object to development because too large for the village with inadequate infrastructure/community facilities and highway network. Increased traffic on roads that are unsuitable
- Out of character with the rest of the village. Other housing developments nearby have not been elevated to this extent.
- Increased height of site and finished floor levels result in overlooking of neighbouring

properties and lack of privacy
- Proposed fencing will be stark, overbearing and overshadow neighbouring properties
- Development will overshadow neighbours
- Significant risk of surface water run-off onto neighbouring property due to sloping site/gradient and also onto Roman Road from sloping ("ski slope") roadway at site's entrance. Will be flooded by run-off during periods of heavy rainfall. Consideration not given to the fact that when the IDB drain is full, the land drainage scheme will back up with water and saturate the proposed development
- Proposed land drain along boundaries will block up with silt and not function correctly. Who will maintain it?
- Applicant has installed a cement fillet at an angle on western side of entrance road to deflect water from running onto Roman Road. Applicant must therefore be concerned about surface run-off. Cannot be a permanent measure on highway grounds.
- EPS ground report out of date because material has been piled in
- Noise/disturbance/vibration/pollution/dust during construction process
- Drain along western boundary will affect root system of trees on site and in neighbouring gardens
- Developer has a "carry on regardless attitude". Why has work commenced for months without any permission being granted and no mitigation
- Only palatable compromise is a strip of green/amenity land between neighbouring boundaries to the west and the boundaries of the plots. This could fall under a management company that would also encompass the tree with a TPO on, rather than that being in plot 15's garden
- New access dangerous due to "ski slope" and fall, which is around 2.2 metres to neighbouring gardens. Safety issues as Roman Road (30mph) is straight and the slope will result in drivers going faster down the slope and will not see ongoing traffic, pedestrians, etc
- Land/soil not suitable for building and not adhering to construction management plan
- Are obvious alternatives to raising levels which are 1) deepen the foul sewer and install a pumping station, or 2) install a vacuum sewerage scheme. Both are common practice in the Fens. Present approach taken solely on grounds of cost which is unacceptable
- External materials and landscaping should be high standard
- Who is responsible for maintenance and upkeep of boundary fence
- Little consideration for conservation and wildlife
- Planning Authority has failed to control levels that were previously approved. It has a duty of care towards its residents
- Planning Committee should carry out a site visit and view it from neighbouring properties before making a decision
- Devaluation of property

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 The application is to discharge conditions attached to full planning permission ref. H13-1215-18 (86 dwellings), most notably 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 discussed and agreed and do not form part of this submission.

7.3 Conditions 5 and 6 (existing and proposed site levels/floor levels and boundary treatment/screening)

7.4 Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

7.5 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.

7.6 Condition 8 of H13-1215-18 stipulates that finished floor levels shall be set at least 300mm above existing ground level. However, it is proposed to raise finished floor levels above this level on drainage grounds (ie, to achieve gravitational falls). The roadways serving the development therefore rise from 2.9m 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. Finished floor levels (FFLs) of properties within the northern and central areas of the site generally vary between 3.75m aOD to a maximum of 4.5m aOD within the latter.

7.7 The rear of the proposed dwellings within the western section of the site face existing properties off Braybrooks Way, Wiles Avenue and Benton Close. Following discussions with the applicant FFLs within this section of the site have been lowered between 100mm and 400mm. The proposed ground and FFLs of some of the more sensitive plots adjoining boundaries are now as follows:

7.8 Frontage

7.9 Plot 1 adjoining No 52 Roman Bank.
FFL 4.35m aOD
Proposed ground level 4.2m aOD.
Existing southern boundary ground level 2.93m aOD.
Increased ground level = 1.27m.
Distance between garage on plot 1 and boundary adjoining No 52 = 2.84m.
Fence height 2.4m

7.10 Southern Boundary

7.11 Plot 9
FFL 4.2m aOD
Proposed ground level 4.05m aOD
Existing boundary ground level 2.76m aOD
Increased ground level = 1.29m
Distance of dwelling from boundary = 11.31m
Fence height 2.4m (existing high hedge along boundary)

7.12 Plot 11
FFL 4.35m aOD
Proposed ground level 4.20m aOD
Existing boundary ground level 2.82m aOD
Increased ground level = 1.38m
Distance of dwelling from boundary = 11.31m
Fence height 2.4m (existing high hedge along boundary)

7.13 Western Boundary (fence height along this boundary 2.4m)

7.14 Plot 13
FFL 3.75m aOD
Proposed ground level 3.60m aOD
Existing boundary ground level 2.97m aOD
Increased ground level = 0.63m
Distance of dwelling from boundary = 16.19m
Distance from neighbouring dwelling to west (No. 3 Benton Close) = 31.04m

7.15 Plot 14
FFL 3.75m aOD
Proposed ground level 3.60m aOD
Existing boundary ground level 2.98m aOD
Increased ground level = 0.62m

Distance of dwelling from boundary = 14.83m
Distance from neighbouring dwelling to west (No. 5 Wiles Avenue) = 31.15m

7.16 Plot 15
FFL 3.6m aOD
Proposed ground level 3.45m aOD
Existing boundary ground level 2.98m aOD
Increased ground level = 0.47m
Distance of dwelling from boundary = 16.42m
Distance from neighbouring garage to west (No. 4 Wiles Avenue) = 22.37m (existing Sycamore tree in rear garden)

7.17 Plot 16
FFL 3.75m aOD
Proposed ground level 3.60m aOD
Existing boundary ground level 2.86m aOD
Increased ground level = 0.74m
Distance of dwelling from boundary = 12.73m
Distance from neighbouring dwelling to west (Nos. 3-4 Wiles Avenue) = 25.48m

7.18 Plot 17
FFL 3.85m aOD
Proposed ground level 3.70m aOD
Existing boundary ground level 2.74m aOD
Increased ground level = 0.96m
Distance of dwelling from boundary = 12.99m
Distance from neighbouring dwelling to west (Nos. 2-3 Wiles Avenue) = 24.93m

7.19 Plot 18
FFL 4.00m aOD
Proposed ground level 3.70m aOD
Existing boundary ground level 2.73m aOD
Increased ground level = 0.97m
Distance of dwelling from boundary = 12.54m
Distance from neighbouring dwelling to west (No. 2 Wiles Avenue) = 27.29

7.20 Plot 19
FFL 4.00m aOD
Proposed ground level 3.70m aOD
Existing boundary ground level 2.72m aOD
Increased ground level = 0.98m
Distance of dwelling from boundary = 13.88
Distance from neighbouring dwelling to west (No. 1 Wiles Avenue) = 28.53m

7.21 Plot 20
FFL 3.70m aOD
Proposed ground level 3.55m aOD
Existing boundary ground level 2.61m aOD
Increased ground level = 0.94m
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)

7.22 Plot 21
FFL 3.80m aOD
Proposed ground level 3.65m aOD
Existing boundary ground level 2.62m aOD
Increased ground level = 1.03m
Distance of dwelling from boundary = 14.2m
Distance from neighbouring dwelling to west (No. 25 Braybrooks Way) = 25.69m

7.23 Plot 22
FFL 3.80m aOD

Proposed ground level 3.65m aOD
Existing boundary ground level 2.69m aOD
Increased ground level = 0.96m
Distance of dwelling from boundary = 13.09m
Distance from neighbouring dwelling to west (Nos. 23-25 Braybrooks Way) = 24.15m

7.24 Plot 23
FFL 4.00m aOD
Proposed ground level 3.85m aOD
Existing boundary ground level 2.82m aOD
Increased ground level = 1.03m
Distance of dwelling from boundary (No. 23 Braybrooks Way) = 14.08m

7.25 Eastern Boundary

7.26 Plot 77
FFL 3.90m aOD
Proposed ground level at rear 3.45m aOD
Existing boundary ground level 2.70m aOD
Increased ground level = 0.75m
Distance of dwelling from boundary = 2.4m
Fence height 2.4m (plus neighbouring hedge)

7.27 Plot 85
FFL 4.20m aOD
Proposed ground level 4.05m aOD
Existing boundary ground level 2.95m aOD
Increased ground level = 1.1m
Distance of dwelling from boundary (Greystones) = 5m approx
Fence height 2.4m (plus neighbouring hedge)

7.28 Finished floor levels of properties along the western boundary (plots 1-23) would therefore vary and be between 0.62m (plot 15) and 1.28m (plot 19) above ground levels along the common boundary, with rear gardens sloping in a westerly direction. However, there is generally a degree of separation between neighbouring properties and the proposed dwellings. Boundary screening would also be erected consisting of 1.8m close boarded fencing on 600mm concrete gravel boards (total height 2.4m) to alleviate overlooking, as indicated on the submitted sectional plans.

7.29 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 4.35m aOD compared to an existing level of 2.93m aOD along the common boundary with Nos. 48-52. 1.8m closeboarded fencing is therefore proposed on top of a 600mm gravel board (total height 2.4m) to alleviate overlooking.

7.30 In respect of plots along the southern boundary and plot 85, although levels would be raised there is existing leylandii hedging along these boundaries and/or a degree of separation from neighbouring properties. The entrance roadway rises by approximately 1.3m over a distance of 40m approximately from Roman Road (gradient 1:30). However, there would be a degree of separation from No. 58 to the east.

7.31 Concerning overshadowing/blockage of light, etc, raised site levels would have some effect upon neighbouring residents in terms of additional blockage of sunlight during early mornings, especially during the winter months. However, it would not be significant given that the proposed increase in site levels is generally between 0.62m (plot 15) and 1.28m (plot 19).

7.32 Concluding, therefore, whilst it is accepted that the development would have some impact upon the amenity of neighbouring residents, it is not considered, on balance, to be such as to justify refusal on the basis that it materially conflicts with the aims and objectives of Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

7.33 Condition 16 (surface water drainage scheme)

7.34 A SUDs scheme would be utilised to dispose of surface water, including swales and a pond/ attenuation basin within the area of public open space, 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 just add further design detail for swales and run off from hard surfaces.

7.35 Land drains would be provided along the site's eastern, southern and western boundaries to address surface water run-off, with an outfall to the drain along the northern boundary. The land drain would consist of a perforated pipe beneath stone with an impermeable membrane on the neighbouring boundary. Both SUDs and the SHIDB have raised no objections and the latter issued Land Drainage Consent to discharge surface water to a watercourse from this development on 30 May 2022.

7.36 Other outstanding conditions

7.37 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).

7.38 Materials within the general locality are varied. The proposed materials are considered appropriate.

7.39 Condition 4 (Landscaping) - The landscaping scheme includes both tree and hedge planting, including within the areas of public open space. 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.

7.40 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. The working hours would be between 7.30am - 5.00pm Monday to Friday. If Saturday working became necessary it would be restricted to the hours of 8.30am - 1.00pm. The first point of contact from members of the public or interested parties would be with the site manager. Environmental Protection (Noise) raise no objections.

7.41 Condition 9 (Contamination) - Environmental Protection have assessed the submitted information and recommend discharge of parts i) to iii), 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.

7.42 Condition 12 (Refuse storage) - Bin collection points have been provided at the entrance to all private drives.

7.43 Condition 15 (Construction of estate road and associated footways) - LCC Highways has indicated that although the gradient on the access road is greater than local residents might expect it is fairly standard for many residential schemes elsewhere in the County. As such, it considers that there is not sufficient justification, in highway terms, for a redesign.

7.44 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.

7.45 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.

7.46 **Other matters**

7.47 It has been requested via representations received that the Committee undertake a site visit ahead of determining this application. In coming to their recommendations Officers have visited the site in the usual manner. Officer's are not recommending Members formally visit the site. However, this is ultimately a matter for the Committee, but in accordance with established protocols the following should apply in considering this request:

"Site visits shall be restricted to those application sites where it appears essential and a case is made out beforehand sufficient to justify the delay entailed before the application in question can be determined, the reason for each site inspection to be recorded in the minutes".

7.48 This protocol was part of the Council's constitution prior to January 2016. At the 20th January 2016 Full Council meeting it was resolved that:

"Certain parts of the old Constitution would no longer form part of the new Constitution, but would nevertheless remain in force (such as the schedule of detailed specific delegations and the protocols on Planning and Licensing)."

7.49 Officers will be able to advise the Committee verbally in more detail on procedural matters should the Committee be minded to seek a site visit during its deliberations of the application, including the need to seek the permission of the applicant. There are a number of procedural requirements that include, but are not limited to:

-It should be noted that formal consideration of all the issues relevant to the application are to take place at the meeting of the Planning Committee.
-The applicant, and other interest parties may listen to the proceedings but no communication will take place between members and those other parties, in common with the procedure at formal meetings.
-Members who have been unable to attend the formal site inspection with the Committee will not participate in the determination of the application.

7.50 **Conclusion**

7.51 That conditions 3, 4, 5, 6, 7, 9, 12, 15, 16, 17 & 20 of planning permission ref. H13-1215-18 be discharged, subject to the applicant satisfactorily demonstrating that the imported soil is suitable for use in a residential development.

8.0 RECOMMENDATIONS

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

9.0 CONDITIONS

1. For the avoidance of doubt 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. nos. 40-14-01 Rev P4 (External Works Sheet 1 of 2) and 40-14-02 Rev P4 (External Works Sheet 2 of 2). 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, 2021.

2. Note: The determined plans are:
L181/CHARTER/01
JBA 21/255 - 01 Rev A
JBA 21/255 - 02 Rev A
JBA 21/255 - 03 Rev A
JBA 21/255 - 04 Rev A
40-01 Rev P8
40-05 Rev P6
40-08 Rev P1
40-13 Rev P2
40-14-01 Rev P4
40-14-02 Rev P4
40-15-01 Rev P4
40-15-02 Rev P4
40-17-01 Rev P1
40-17-02 Rev P1
L181/LANDDRN/01
L181/BCPP/01
L181/CMP/01
L181/PLANSECTION/01 Rev F
L181/SEC/A-A Rev A
L181/SEC/B-B Rev A
L181/SEC/C-C Rev A
L181/SEC/D-D Rev B
L181/SEC/E-E Rev B
L181/SEC/F-F Rev B
L181/SEC/G-G Rev B
L181/SEC/H-H Rev B
L181/SEC/I-I Rev B
L181/SEC/J-J Rev B
L181/SEC/K-K Rev B
L181/SEC/L-L Rev B
L181/SEC/M-M Rev B
L181/SEC/N-N Rev B
L181-SEC/O-O Rev A
L181/SEC/P-P Rev A
L181/SEC/Q-Q Rev B
L181/SEC/R-R Rev B
L181/SEC/S-S Rev B
L181/SEC/T-T Rev B
L181/SEC/U-U
L181/SEC/V-V
Construction Management Plan by Larkfleet Homes Ltd dated July 2021
Ground Investigation Report by EPS (ref. UK 18.4158 - Issue 1) dated 26 October 2018
Phase 1 Geo-Environmental Desk Study by EPS (ref. OK22.6185 - Issue 1) dated 25 October 2022
Email from applicant dated 26 January 2023 relating to Validation Report
Written Scheme of Investigation by Pre-Construct Archaeology Ltd (Issue 1) dated August 2021

3. Note: The applicant is reminded that part iv) of condition 9 (contaminated land scheme) of H13-1215-18 remains outstanding.

4. Note: All drainage works within the spread of the preserved Sycamore tree (plot 15) 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

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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MAP SCALE 1:2500
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