DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H14-0198-21**	**Applicant:**	**Keston Fields Ltd.**
Proposal:	Details of boundary treatment, open space plan, landscape management and maintenance plan, refuse collection points, external meter boxes etc, highways improvements, surface water drainage, foul water drainage, construction management plan, wheel washing, cycle storage, contaminated land report and acoustic report (Conditions 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20 and 21 of H14-0355-17)		
Location:	Keston Nurseries Mill Green Road Pinchbeck		
Terminal Date:	26th April 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

NPPF 2021
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

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Details of boundary treatment, open space plan, landscape management and maintenance plan, refuse collection points, external meter boxes etc, highways improvements, surface water drainage, foul water drainage, construction management plan, wheel washing, cycle storage, contaminated land report and acoustic report (Conditions 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20 and 21 of H14-0355-17).

Site Description

As original application but site preparation works are underway.

History

H14-0197-21 - Details of external materials (Part Condition 4 ii of H14-0355-17) (undecided)

H14-1162-18 - Reserved Matters - Erection of 100 dwellings and associated works - Outline approval H14-0355-17 (approved March 2019)

H14-0355-17 - Outline - Proposed residential development (re-submission of H14-0942-16) (approved February 2018)

Consultation Responses

LCC Highways/SUDS - Does not wish to restrict the grant of permission. The highway authority has issued technical approval for both the internal roads and footways and the highway improvements required on Mill Green Road. The technical approval for both of these elements includes surface water drainage. The submitted Construction Management Statement fulfils the requirement for mitigating the development's impacts upon the adjacent highway during the construction phase.

SHDC Environmental Protection (noise) - No objection.

SHDC Environmental Protection (contaminated land) - I have reviewed the Humberside Materials Laboratory 'Phase 2 (Geo-environmental Ground Investigation) report Keston Nursery, Pinchbeck' dated Sept 2020 ref 1197/5171/P/P2 rev 1.0 and recommend discharge of condition 20 of H14-0355-17 in full.

Welland and Deepings IDB - No comment.

Anglian Water -
The following comments were received on 11th March 2021 - "We have reviewed the foul water drainage strategy submitted by the applicant (ref drawings: ADC1461/DR/500 P1, ADC1461/DR/501 P1) and the applicant has not identified a connection point and have proposed a pumped discharge rate of 8.2l/s. The proposed pumped rate is considered excessive. The maximum acceptable rate we would expect for a development of this size is 3.8l/s. We require confirmation from the applicant in their documentation that they have reduced the pumped discharge rate to a figure that will not cause detriment to the network. Until this has been provided, we would not recommend discharge of condition 4."

However, a letter from Anglian Water has since been provided (dated 12th March 2021) which states the following - "I can confirm that Anglian Water has no objection to a foul connection for 100 new properties into existing Anglian Water manhole number FW4802 at a pumped rate of 3.8 litres / second. The surface Water is to discharge into an IDB drain."

Planning Considerations

Condition 6 (boundary treatment) - A combination of boundary treatments are proposed - 1.0m brickwork wall; 1.8m high close boarded timber fence; knee rail post and rail fencing; and close boarded timber fencing from top of wall height to 1.8m high. 1.8m fencing will typically be to the rear of properties with knee rail fencing and 1m walls to the front of properties. Given that there is not a significant difference in height between floor levels and ground levels, 1.8m fencing would be sufficient to prevent detrimental overlooking.

Condition 7 (implementation of open space) - The submitted details appear acceptable.

Condition 8 (management plan for open space, collection points and private drives) - Open space and collection points are to be the responsibility of a management company and private drives will be conveyed to property owners. This is an acceptable arrangement.

Condition 9 (details of refuse storage/disposal) - Collection points are to be provided for private drives, with all other properties presenting their sacks kerbside. Bags can be stored in rear gardens prior to collection day.

Condition 10 (domestic accoutrements) - Some dwellings are shown with meter boxes on a side elevation whilst others have at least one on their front elevation. It has been advised that it is not practical to locate them elsewhere.

Condition 11 (strengthening, widening and drainage of Mill Green Road and provision of footway) - The Highway Authority have no objection to the submitted details and technical details consent has been granted.

Condition 12 (road and footway spec) - The Highway Authority have no objection to the submitted details and technical details consent has been granted.

Condition 14 (finished surface levels of estate road junction) - The Highway Authority have no objection to the submitted details and technical details consent has been granted.

Condition 15 (surface water drainage) - The Lead Local Flood Authority have no objection to the proposed surface water drainage strategy and technical details consent has already been granted.

Condition 16 (foul water drainage) - Connection is to be made to the existing Anglian Water network and a letter has been provided indicating that they are accepting of the discharge rate.

Condition 17 (construction management plan) - The Highway Authority and SHDC Environmental Protection have no objection to the submitted plan (the latter subject to noisy activity being delayed until after 7.30am).

Condition 18 (prevention of mud on the highway) - The Highway Authority have no objection to the submitted details.

Condition 19 (cycle storage) - All properties are to be fitted with a metal chain plate ring to a wall within rear gardens to allow for secure locking. This satisfactorily complies with the wording of the condition.

Condition 20 (contaminated land) - The Council's Environmental Protection Officer has no objection to the submitted details.

Condition 21 (further acoustic report) - This report was previously considered at Reserved Matters stage and deemed appropriate. Recommendations for enhanced acoustic glazing have been followed and are indicated on the submitted site plan.

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.

Conclusion

Taking the above into account, it is considered that Conditions Conditions 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20 and 21 of H14-0355-17 of H14-0355-17 can be discharged.