

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0252-24 **Applicant:** Burmor Construction Ltd

Proposal: Details of landscaping & tree planting, hedge planting, publicly accessible open space & foul water drainage scheme (Conditions 12, 13, 14, & 18 of H14-0117-22)

Location: Land East Of Surfleet Road Pinchbeck Spalding

Terminal Date: 14th May 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
30	Pollution

National Guidance

National Planning Policy Framework 2023

Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 8 - Promoting healthy and safe communities

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Details of landscaping & tree planting, hedge planting, publicly accessible open space & foul water drainage scheme (Conditions 12, 13, 14, & 18 of H14-0117-22)

Planning approval H14-0117-22 granted full planning application for the erection of 37 affordable dwellings.

Site Description

As per host consent.

History

H14-0557-22 - Outline - Development of 4 self-build plots - Approved 21.12.2022

H14-0117-22 - Full - Development of 37 Affordable Dwellings - Approved 21.12.2022

H14-0287-23 - Details of archaeological investigation. (Condition 7 of H14-0117-22). Approved 14 April 2023

H14-0368-23 - Details of construction management plan, wheel washing, estate road phasing & completion plan, site levels and surface water drainage scheme (Conditions 3, 4, 6, 11 & 17 of H14-0117-22). Approved 5 March 2024.

H14-0325-24 - Details of written scheme of archaeological investigation (Condition 9 of H14-0117-22). Undetermined at the time of writing.

Consultation Responses

Highway and Lead Local Flood Authority

No Objections Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Pinchbeck Parish Council

No comment.

Anglian Water

Foul Water Comments: In correspondence with planning reference H14-0252-24 the drainage strategy proposed in supporting document, S104 Drainage Layout, is acceptable to Anglian Water. Therefore the discharge of foul condition 18 for outline planning application H14-0117-22 may be recommended at this point.

Welling and Deepings IDB

Welland & Deepings IDB have no comment to make with regard to this application.

Planning Considerations

The proposal relates to various condition compliance details as follows:

Condition 12 Wording

"Notwithstanding the information contained on drawing reference 20050 0102 P06 (Proposed Site Layout) before occupation of the development hereby permitted, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary. NOTE: The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.1 (or any successor)."

Condition 12 Detail

In the outline scheme the mature hedging to the Surfleet Road frontage was to be removed either in part or total as a requirement of the site lines and access to the development. A replacement landscaping scheme, hedge planting to the boundaries and ecology provision was sought by conditions.

Detailed landscaping proposals have been submitted in relation to trees, three litre shrubs, herbaceous plants and hedges. This includes wildflower grass seeding around the attenuation basin, which will have biodiversity benefits.

The details are considered satisfactory. It is considered that condition 12 can be discharged.

Condition 13 Wording

"Before the commencement of the development hereby permitted beyond oversight, a scheme of hedge planting for the boundaries of the site including details of positions, heights on planting and species shall be submitted to and approved in writing by the Local Planning Authority. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All hedging shall be maintained by the owner or owners of the land on which they are situated for the period of ten years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary."

Condition 13 Detail

Hedges are proposed around Plot 22, and along the front of Plot 01, joining onto existing hedging along the flank of plot 1 and along the frontage to the flanks of Plots 13 and 12. Hedge and tree planting is proposed along the private drive and plot 37. Plot 30's amenity space is to be encased by hedging in addition. The frontage will be largely framed by the hedging along the adjoining highway but positioned so that it does not impede visibility splays.

The details are considered satisfactory and it is considered that condition 13 can be discharged.

Condition 14 Wording

"Prior to the commencement of the development hereby permitted beyond oversight, a plan illustrating all areas of publicly accessible open space shall be submitted to and approved in writing by the Local Planning Authority. The areas so approved shall be laid out and made available for use in accordance with a specification and phasing that shall first be agreed in writing by the Local Planning Authority, and shall thereafter be so maintained."

Condition 14 Detail

The main area of open space is that shown in the south east corner around the attenuation basin. This is shown on the landscaping plans. This area would provide a visual and practical resource for amenity space. The details are considered satisfactory. It is considered that this condition can be discharged.

Condition 18 Wording

"Prior to the construction above damp proof course, a scheme for foul water drainage works, including connection point and discharge rate, together with details of the sewage water pump station, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme."

Condition 18 Detail

A foul sewage design has been submitted which includes pipeline and manhole schedules. Further information is shown on the Section 104 layout. Anglian Water the Lead Local Flood Authority and the IDB have no objections to the proposals, therefore it is considered that the details are satisfactory and can be discharged.

Conclusion

The details for the conditions submitted are considered satisfactory.

Discharge condition 12.
Discharge condition 13.
Discharge condition 14.
Discharged condition 18.

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.