

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H14-0368-23	Applicant:	Burmor Construction Ltd
Proposal:	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)		
Location:	Land East Of Surfleet Road Pinchbeck Spalding		
Terminal Date:	15th November 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
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 16 - Conserving and enhancing the historic 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	1	0	1	0
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT**Proposal**

This proposal seeks to discharge conditions 3, 4, 6, 11 and 17 of planning approval H14-0117-22, relating to details of construction management plan, wheel washing, estate road phasing & completion plan, site levels and surface water drainage scheme.

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

Site Description

The site is part of a wider land holding, to be accessed via Surfleet Road, within the settlement boundary of Pinchbeck. The land is greenfield, and is viewed as being within an area of predominantly residential development. There is mature hedging to the boundaries of the site; this hedge will be lost to facilitate this development.

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

Consultation Responses

Initial Responses Received (Consultation period between 19 April 2023 - 12th May 2023)

Anglian Water

Foul Water Comments:

Surface Water Comments: Condition 3 relates to onsite construction and surface water - which isn't relevant to Anglian Water. Condition 17 - the proposed discharge is not to the public sewerage network. We therefore have no comments to make.

LCC Highway and Lead Local Flood Authority

Please advise the Applicants that the use of combined kerb and drainage systems is not acceptable for new residential development roads that are to be offered for adoption as public highways in Lincolnshire.

Please also advise the Applicants that, whatever alternative surface water drainage system is designed and submitted, the proposals within this submitted Construction Environmental Management Plan, for building the dwellings from a temporary construction road and then stripping-off the top 100mm of (presumably) stone from that temporary construction road after the house building is completed before laying the remainder of the adoptable estate road on top of that stone are similarly unacceptable to the highway authority.

Revised surface water drainage and Construction Management Plan and Method Statement proposals will need to be submitted before the highway authority could recommend approval of this Application.

Welland & Deepings Internal Drainage Board

I note from the submitted Drained Areas Plan and Private Drainage Layout plan prepared by JPP Consulting Ltd, both dated February 2023, that a total proposed impermeable area of 0.664 ha and a total proposed flow restricted to two litres per second are currently designed. If planning permission is granted then an application for consent to discharge surface water would need to be made, which is subject to the agreement of technical details, payment of the application fee and payment of the relevant development contribution, all in advance of connection into a watercourse.

The development contribution payable based on the information currently submitted is £9,875.07. The surface water outfall should be sited as high as reasonably practicable to minimise the duration of possible submergence in wet times. It should also be noted that a written statement will need to be submitted to the Board by the client/developer confirming that they are satisfied that the receiving watercourse and all subsequent riparian watercourses up until entry into the Board's system have no blockages or restrictions within them and are capable of receiving the additional flows without causing issues to neighbouring landowners.

If dewatering of the site is deemed necessary for the construction phase then this would require a separate prior written consent from the Board and we should be given suitable notice in advance if this is required.

Environmental Protection South Holland District Council

No concerns

Responses Received within Re-consultation (Consultation period between 05th July 2023 - 19th July 2023)

SHDC Environmental protection

No comments on amendment

Responses Received within Re-consultation (Consultation period between 26th September 2023 - 10th October 2023)

Anglian Water

The condition attached is not relevant to Anglian Water and we have no comments to make thereon. If you have any further queries please contact the Pre-Development team on the number below.

Welland & Deepings Internal Drainage Board

Since my previous comments dated 27th April 2023, the Board have held informal discussions with the consulting engineers and have agreed that a revised development contribution sum of £10,871.51 is now payable to the Board prior to connection to a watercourse, based on current

proposals.

This is subject to an application for consent to discharge surface water being made, the agreement of technical details and payment of the £50 application fee, as well as the aforementioned development contribution sum.

LCC Highway and Lead Local Flood Authority

Recommendation: No objection

The 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) submitted to discharge these conditions are acceptable in accordance with approved drawings and details in conjunction with the S38 Agreement with Lincolnshire County Council.

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.

Planning Considerations

This application relates to conditions 3, 4, 6, 11 and 17 of planning approval H14-0117-22.

Condition Details

The conditions detail:

Condition 3

The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall be submitted to, and approved in writing by, the Local Planning Authority prior to development commencing.

phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel washing facilities;
- the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and;
- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

The submitted documentation includes a construction management plan which shows the phasing of the development to include access construction, the parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, storage of plant and materials used in constructing the development, wheel washing facilities, the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material and strategy stating how

surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction. The Local Highway Authority have no objection and consider that the submitted Construction Management Plan drawing is satisfactory and therefore the highway authority does not wish to object to the discharge of Condition 3.

In view of the fact the Local Highway Authority do not object to the details, they are considered satisfactory and the condition can be discharged.

Condition 4

Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before commencement of the construction of the development and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development.

Reason: In the interests of highway safety during the construction process. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

The Local Highway Authority have no objection and consider that the submitted wheel washing details that were submitted to discharge condition 4 are acceptable in accordance with approved drawings and details in conjunction with the S38 Agreement with Lincolnshire County Council.

In view of the fact the Local Highway Authority do not object to the details, they are considered satisfactory, and the condition can be discharged.

Condition 6

The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development.

The Local Highway Authority have no objection and consider that the submitted estate road phasing and completion plan and details that were submitted to discharge condition 6 are acceptable in accordance with approved drawings and details in conjunction with the S38 Agreement with Lincolnshire County Council.

In view of the fact the Local Highway Authority do not object to the details, they are considered satisfactory, and the condition can be discharged.

Condition 11

Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: To reduce the risk of flooding of the development and 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 and its visual and architectural relationship with adjacent

development and within the street scene. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This discharge application relates to 37 affordable dwellings located to the east of Surfleet Road in Pinchbeck.

The nearest neighbouring properties are to the north and east of the development, the dwellings that make up this development to the north and east are proposed to be at FFL 4.600. Notwithstanding the height discrepancy the applicant has designed the closest dwellings to the existing homes (north and east) in a manner that would offset residential amenity impacts. Cross sections and proposed boundary treatments have been proposed to show the potential impact to the neighbouring dwellings. The greater impact would be to the neighbouring property to the east; however, this boundary is already well screened with high planting and trees. Potential impacts relating to land discrepancy have therefore been designed out.

Assessing the submitted plans, condition 11 can be discharged.

Condition 17

No development shall take place until a surface water drainage scheme has been approved by the Local Planning Authority.

The permitted development shall be undertaken in accordance with the surface water drainage scheme approved in writing by the Local Planning Authority.

The scheme shall:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;*
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;*
- provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second;*
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and*
- provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.*

Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

No dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full, in accordance with the approved details.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development.

The applicant has provided Section 104 drainage details including Drained Areas Plan and Private Drainage Layout plan prepared by JPP Consulting Ltd, both dated February 2023, within these documents it shows that a total proposed impermeable area of 0.664 ha and a total proposed flow restricted to two litres per second are currently designed. The Internal Drainage Board has raised no objections, however, they have stated that an application for consent to discharge surface water would need to be made, which is subject to the agreement of technical details, payment of the application fee and payment of the relevant development contribution, all in advance of connection into a watercourse.

The development contribution payable to the Board prior to connection to a watercourse, based on current proposals is £10,871.51. This is subject to an application for consent to discharge surface water being made, the agreement of technical details and payment of the £50 application fee, as

well as the aforementioned development contribution sum.

The surface water outfall should be sited as high as reasonably practicable to minimise the duration of possible submergence in wet times. It should also be noted that a written statement will need to be submitted to the Board by the client/developer confirming that they are satisfied that the receiving watercourse and all subsequent riparian watercourses up until entry into the Board's system have no blockages or restrictions within them and are capable of receiving the additional flows without causing issues to neighbouring landowners.

If dewatering of the site is deemed necessary for the construction phase then this would require a separate prior written consent from the Board and we should be given suitable notice in advance if this is required.

As there are no objections, the details are considered acceptable.

Conclusion

The details in relation to these conditions (3, 4, 6, 11 and 17) are acceptable and can be discharged.

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.