

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H14-1229-19	Applicant:	GEDA Construction
Proposal:	Details of Conditions 4, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of H14-0109-19		
Location:	Spalding Lifestyle And Garden Centre 210 Spalding Road Pinchbeck		
Terminal Date:	13th March 2020		

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
29	The Historic Environment
30	Pollution
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework 2019

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
 Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of Conditions 4, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of H14-0109-19.

Site Description

The site previously accommodated the Spalding Lifestyle and Garden Centre with associated car parking, a glasshouse to the east of this and a redundant building to the north. The remainder of the site was vacant land and considerably overgrown in parts. The buildings on site have now been demolished. The Johnson Community Hospital is to the south, with a drain to the east. To the north/north-west is a mixture of residential properties and commercial premises. Spalding Road is to the west.

The site is located within the settlement boundary for Spalding in the South East Lincolnshire Local Plan (2019) and is a housing allocation identified as Pin050. The Local Plan identifies that the site is capable of accommodating 50 dwellings at 30 per hectare.

History

H14-0109-19 - Erection of 72 dwellings, parking, landscaping and provision of public open space (approved December 2019)

H14-1055-13 - Full planning application for change of use to caravan and self storage facility (approved January 2014)

H14-1068-01 - Outline planning application for residential development of 1.75 hectares (refused December 2001)

H14-1161-00 - Full planning application for change of use: former builders merchants to garden centre and car park extension (approved January 2001)

Consultation Responses

LCC Historic Environment Officer - Following the completion of the archaeological evaluation that revealed nothing of significance, this office would not recommend any further archaeological involvement with this application. We can therefore recommend that the outstanding archaeological conditions (4, 5 and 6) may be discharged.

Lincs Wildlife Trust - Verbally confirmed no objections to the submitted information.

Anglian Water - No objections.

Welland and Deepings IDB - No objection. Advises that consent has been granted to discharge surface water into the IDB drain to the east with a maximum flow of 5 litres/second.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

SHDC Environmental Protection - No objection.

Planning Considerations

Condition 4 (Archaeological Scheme) - LCC's Historic Environment Officer has concluded no further archaeological involvement is required on this site.

Condition 6 (Archiving of Archaeological Report) - LCC's Historic Environment Officer has concluded no further archaeological involvement is required on this site.

Condition 7 (Construction Management Plan) - SHDC Environmental Protection have no objections.

Condition 8 (Prevention of Mud on Highway) - Proposed measures are considered acceptable by the Highways Authority.

Condition 9 (Existing and Proposed Levels) - Proposed finished floor levels are in accordance with Condition 24 of H14-0109-19 which requires them to be set between 300-500mm above existing ground level to provide adequate flood mitigation. In terms of external levels, garden levels are proposed to fall away from the dwellings, with the exception of Plots 64-68 which marginally fall in the direction of the house. The fall in height ranges from 80mm to 680mm from finished floor levels. However, in most cases the difference is up to 500mm and there would be no significant difference in levels between any adjoining gardens. Patios to the rear would be 150mm below finished floor levels. Given the above, the proposed levels are considered to be acceptable.

Condition 12 (Surface Water Drainage) - The surface water drainage system is proposed to be adopted by Anglian Water. Surface water would be discharged to the IDB drain to the east and consent has been granted for this. The Lead Local Flood Authority, Anglian Water and IDB have no objections to the proposal.

Condition 13 (Foul Water Drainage) - An adoptable pumping station is proposed to convey flows to a connection with the existing Anglian Water sewer network. Anglian Water have no objections to this proposal.

Condition 14 (Materials Schedule) - A combination of Ibstock red and buff bricks are proposed with some properties to be finished with 'evening blue' timber cladding or chalk white render. Slate effect roof tiles would be used throughout. Cast stone cills and 3 x GRP canopy types are proposed. GRP chimneys feature on some properties. There are only a few existing properties on this part of Pinchbeck Road and there is not a strong character to follow in terms of materials. It is noted that Vernatts Lodge to the north and the Johnson Community Hospital both have white rendered elements. Permeable block paving is proposed for parking bays, tarmac for the estate road and pavements and buff and natural slabs for footpaths and patios. The proposed materials would provide an attractive and reasonably varied development in terms of appearance and are therefore considered acceptable.

Condition 15 (Domestic Accoutrements) - Meter boxes are located on side elevations where possible. A side positioning is not possible on the apartment blocks for reasons of practicality.

Condition 16 (Landscaping) - A comprehensive landscaping scheme comprising of tree, hedge and shrub planting is proposed for the site, with areas of amenity grass. This will help create an attractive and green development.

Condition 17 (Boundary Treatment) - 1.8m closeboard fencing will be between rear gardens. This is considered acceptable in view of the levels discussed above. 1.8m high acoustic timber fencing is to be installed along the northern boundary in accordance with the requirement of Condition 18 of H14-0109-19. Knee rail fencing would be provided around the attenuation basin as a safety measure. 1.2m hoop topped railings would be installed around the amenity grass to the rear of Plots 1-6 to create a sense of enclosure and more private space.

Condition 18 (Management of open space, waste collection points and private drives) - Maintenance will be carried out by the housing association (Accent).

Condition 19 (Bird, Bat and Hedgehog boxes) - Lincolnshire Wildlife Trust have verbally confirmed that they have no objections to the submitted information.

Condition 20 (Submission of further ecological surveys) - Lincolnshire Wildlife Trust have verbally confirmed that they have no objections to the submitted information.

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

The submitted information is considered to be in accordance with Policies 2, 3, 4, 28, 29, 30 and 32 of the South East Lincolnshire Local Plan as well as Sections 12, 14, 15 and 16 of the National Planning Policy Framework (2019).

Conditions 4, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of H14-0109-19 can therefore be discharged.