

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H15-0726-21 **Applicant:** Crossroads Nurseries Ltd.

Proposal: Details of contamination, surface water drainage, foul drainage, construction management, prevention of mud on highway, boundary treatment, public open space, management plan (POS) and meter boxes, flues etc (Conditions 4, 9, 10, 11, 12, 14, 15, 18 & 19 of H15-1207-18)

Location: Crossroads Nurseries Main Road Quadring

Terminal Date: 30th August 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
30	Pollution

National Guidance

National Planning Policy Framework 2021

Section 9 - Promoting sustainable transport
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
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of contamination, surface water drainage, foul drainage, construction management, prevention of mud on highway, boundary treatment, public open space, management plan (POS)

and meter boxes, flues etc (Conditions 4, 9, 10, 11, 12, 14, 15, 18 & 19 of H15-1207-18).

Site Description

As original application.

History

H15-0942-20 - Reserved Matters - Residential Development of 9 dwellings - Phase 1 (Outline approval H15-1207-18) (approved January 2021)

H15-1207-18 - Outline - Residential development - up to 60 dwellings (approved September 2019).

Consultation Responses

SHDC Environmental Protection (noise) - No objection.

SHDC Environmental Protection (contaminated land) - I have reviewed the AF Howland Phase 1 report ref JAH/20.005/Phase 1 for Crossroads Nursery Limited dated January 2020. The report adequately addresses the potential for contamination in the Phase 1 area and I am in agreement with the findings. I therefore recommend discharge of condition 4 of H15-1207-18 for the area covered by H15-0942-20, but further information will be required for the rest of the site in due course.

Welland and Deepings IDB - The Board are dealing directly with the applicant's consulting engineer regarding a consent to discharge surface water. I have no further comments to add at this stage.

Anglian Water - The foul strategy as outlined in drawing 11849 - WMS - ZZ - XX - DR - C - 39211 - S8 - P3, is acceptable to Anglian Water, we can therefore recommend discharge of condition 10.

Planning Considerations

Condition 4 (contaminated land) - SHDC's Environmental Protection Officer has commented that the submitted report adequately addresses the potential for contamination in the Phase 1 area and that they are in agreement with the findings. This condition can be discharged in so far as it relates to Phase 1.

Condition 9 (surface water drainage) - The Drainage Statement submitted at Reserved Matters stage stated that infiltration is not thought to be a viable solution for this site because of the nature of the underlying soils and the level of the water table. Therefore, in accordance with the drainage hierarchy, the proposal is for surface water to be discharged (via new surface water sewers) to the existing riparian watercourse along the north-eastern boundary of the site, which ultimately outfalls into an IDB watercourse. The Welland and Deepings IDB had no objections to this approach, having previously commented that a reduction in the current impermeable area that discharges to the drainage system can be considered betterment. The outline consent for the wider site requires that sustainable drainage (SuDS) principles be utilised in the management of the surface water drainage of the development. No SuDS features have been incorporated as part of this Phase 1 scheme but the agent for the applicant provided a clear rationale at Reserved Matters stage as to why managing the surface water by SuDS is not appropriate for this phase. This was accepted by the Lead Local Flood Authority.

Condition 10 (foul water drainage) - Anglian Water have no objection to the submitted details.

Condition 11 (construction management plan) - SHDC Environmental Protection have no objection to the submitted Construction Management Plan.

Condition 14 (boundary treatment) - Rear gardens are to be divided by 1.8m high timber closeboard fencing and where boundaries adjoining neighbouring properties do not provide sufficient screening a 2.0m high closeboard fence is to be erected. Front gardens are to be divided by 0.45m high timber post and rail fence. Screen fencing to the south-eastern boundary with Nursery is to be 2.0m high timber closeboard fence. In addition, the boundary between the rear of No. 125 Main Road and plot 4 is to be supplemented by a 2.0m high closeboard fence with 0.6m high trellis screen top. Based on the submitted cross-section drawings and proposed ground and finished floor levels, this arrangement is considered acceptable in terms of residential amenity. Any closeboard fencing that

is to be sited public facing will be supplemented by planting to break up the facade.

Condition 15 (domestic accoutrements) - All meter boxes are shown to be on side elevations and soil vent pipes either on rear elevations, side elevations or internal. Boiler flues are indicated on side or rear elevations. All are therefore located in more visually discrete locations.

Condition 18 (implementation of open space) - There is no public open space in the first phase of development, therefore the condition can be discharged in so far as it relates to Phase 1.

Condition 19 (open space management) - There is no public open space in the first phase of development, therefore the condition can be discharged in so far as it relates to Phase 1.

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 4, 9, 10, 11, 12, 14, 15, 18 & 19 of H15-1207-18 can be discharged.