

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H16-0115-22	Applicant:	Broadgate Homes
Proposal:	Details of large scale drawings, sustainable drainage scheme, surface water drainage, flood risk details of collection & disposal of surface water run off (Conditions 3 (2), 27, 28, 35 & 37 of H16-0571-09)		
Location:	Site To South West Of Spalding With Access From Broadway To The North & B1172 To The South		
Terminal Date:	12th December 2022		

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
16	Holbeach West Sustainable Urban Extension
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
33	Delivering a More Sustainable Transport Network
35	Delivering the Spalding Transport Strategy
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 2021

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments
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ENVIRONMENT AGENCY	0	0	0	1
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 large scale drawings, sustainable drainage scheme, surface water drainage, flood risk details of collection & disposal of surface water run off (Conditions 3 (2), 27, 28, 35 & 37 of H16-0571-09).

Revised details have been submitted in order to ensure the details recently approved by other consents are consistent.

Site Description

History

H16-0116-22 RESERVED MATTERS. Erection of 150 Dwellings - outline approval H16-0571-09. APPROVED 1.12.22.

H16-0571-09 - Erection of 2,250 dwellings, district centre, 2 local centres, primary school, public open space, access and estate roads - Outline application approved 18/05/12.

H16-0904-13 - Engineering works to man-made structure to accommodate surface water discharge for northern neighbourhood. Full application approved 30/07/15.

H16-0905-13 - Details submitted relating to Conditions 14, 21-23, 25, 28-34, 37, 44-46, 50, 53, 54, 56, 69 and 75 of H16-0571-09. Condition compliance application undetermined.

H16-0339-14 - Erection of 2,250 dwellings, district centre, 2 local centres, primary school, public open space, access and estate roads - approved under H16-0571-09. Modification of condition numbers 38 and 39. S73 application undetermined.

H16-0355-14 - Erection of 2,250 dwellings, district centre, 2 local centres, primary school, public open space, access and estate roads - approved under H16-0571-09. Modification of conditions 12 and 13 relating to affordable housing. S73 application undetermined.

H16-0356-14 - Details of Condition 12 of H16-0571-09 relating to affordable housing (Plots 1 to 40 only). Condition compliance application approved 11/09/18.

H16-0370-14 - Erection of 2,250 dwellings, district centre, 2 local centres, primary school, public open space, access and estate roads - approved under H16-0571-09. Removal of conditions 5, 10, 15, 16, 17, 18, 19, 35, 60, 61, 62, 64, 66 and 68 and modification of conditions 4, 6, 7, 11, 63 and 67. S73 application undetermined.

H16-0372-14 - Details of energy strategy, renewable energy for Plots 1-40 and programme of archaeological works for Plots 1-132 (condition 8 and part condition 9 and 67 of H16-0571-09). Condition compliance application approved 03/02/15.

H16-0398-14 - Details of materials for Plots 1-70 (Part Condition 3(2) of H16-0571-09). Condition compliance application approved 05/11/14.

H16-0464-14 - Phase I covering part of the northern neighbourhood comprising 312 dwellings, including associated infrastructure and public open space - Reserved Matters approved 21/10/14.

H16-0927-15 - Erection of 2,250 dwellings, district centre, 2 local centres, primary school, public open space, access and estate roads - approved under H16-0571-09. Modification of Condition 1 to extend the time period for the submission of reserved matters to 20 years - NMA approved 25/05/16.

H16-0639-16 - Details of external materials for Plots 237-312 (Condition 3(2) of H16-0571-09). Condition compliance application approved 25/08/16.

H16-0640-16 Details of landscaping and bat and bird box scheme (Conditions 2, 3 and 4 of H16-0464-14). Condition compliance approved 26/08/16.

H16-1153-16 - Details of scheme to deal with contamination (Condition 76 of H16-0571-09). Condition compliance approved 04/01/17.

H16-0681-17 - Details of materials schedule for plots 71 - 105 part condition 3 (2) of H16-0571-09. Condition compliance approved 20/07/17.

H16-1078-17 - Phase I covering part of the northern neighbourhood comprising 312 dwellings, including associated infrastructure and public open space - approved under H16-0464-14 - Amendments to include change of surface treatment and addition of tree. NMA approved 07/12/17.

H16-0067-18 - Details of scheme to deal with contamination (Condition 76 of H16-0571-09). Condition compliance approved 22/02/18.

H16-0704-18 - Details of affordable housing (Condition 12 of H16-0571-09). Condition compliance approved 02/02/21.

H16-0279-19 - Details submitted relating to materials for Plots 106 to 236 (Part Condition 3(2) of H16-0571-09). Condition compliance approved 30/04/19.

H16-0123-20 - Phase 1 covering part of the northern neighbourhood comprising 312 dwellings including associated infrastructure and public open space - approved under H16-0464-14. Amendments to dwelling substitution, layout and design. NMA approved 05/03/20.

H16-0958-22 - Details relating to affordable housing (Condition 12 of H16-0571-09). Condition compliance undetermined as requires a S106 legal agreement.

Consultation Responses

LCC Highway and Lead Flood Authority

Does not wish to restrict the grant of permission.

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 amended drainage strategy, with the separate attenuation ponds, is satisfactory and therefore does not wish to object to this planning application.

Welland and Deepings Internal Drainage Board

Original objection removed.

A total flow discharge of 3 litres per second into a brand new separate basin has been agreed in principle. We

suspect, should the system be looked to be adopted by Anglian Water, that they will require a total flow discharge of 5 litres per second as a minimum practical rate. If so, this is also agreeable with the Board in principle.

If planning permission is granted then any proposed surface water discharge is subject to the submission of the correct application form, the agreement of technical details, payment of the application fee and payment of the relevant development contribution, all in advance of connection.

Further response of 8 Dec 2022.

I have now had chance to look over the information sent over relating to an increase in the proposed surface water discharge from 3 litres/second total flow up to a revised total flow s/w discharge of 5.3 l/s to suit Anglian Water's requirements as we had anticipated.

Firstly my previous comments reference: CS/JP/P/S/2, dated 2nd August 2022 still apply. Secondly I can say that the Board are agreeable in principle to this but the increased s/w discharge will incur an increase in the Development Contribution amount payable.

Anglian Water

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water. As such, we are unable to provide comments on the suitability of the surface water management. The applicant and the Local Planning Authority should seek the advice of the Lead Local Flood Authority, as they are the statutory consultee for surface water management, and the Internal Drainage Board if applicable. The Environment Agency should be also consulted if the drainage system directly or indirectly involves the discharge of water into a Main River.

Environment Agency

We are satisfied with the Flood Resilience Strategy submitted and consider it is in line with the flood risk assessment previously approved under Ref: H16-0571-09. We can therefore support the discharge of Condition 35 of the outline permission in relation to the site currently being considered.

Revisions - On the understanding that the amendments relate to surface water drainage, the Environment Agency does not wish to make any comments.

Planning Considerations

Condition 3 (2)

The following matters are reserved for subsequent written approval by the Local Planning Authority and shall be submitted for such approval simultaneously and no development to which they relate shall be carried out until these matters have been approved viz:

2) Detailed drawings to a scale of not less than 1/100 showing the siting, design, and external appearance of the buildings, including particulars of the materials to be used for external walls and roofs.

This matter has been dealt with via the Reserved Matters consent referenced H16-0116-22 approved 1.12.22 and are thus considered acceptable.

Condition 27

No development of any part of any phase of the site shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been

submitted to and approved by the District Council as local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Those details shall include:

- a) a timetable for its implementation, and*
- b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.*

The details are considered to be acceptable.

Condition 28

Each Reserved Matters application shall include a detailed surface water strategy pursuant to the reserved matters site for which approval is sought. The strategy shall demonstrate how the management of water within the reserved matters application site for which approval is sought accords with the approved details of the strategic site wide surface water strategy. The strategy shall be based upon a SUDS hierarchy and shall maximise the use of measures to control water at source as far as practicable to limit the rate and quantity of run-off and improve the quality of any run-off before it leaves the site or joins any water body. If source control infiltration SUDS methods are demonstrated to be impracticable or only partly feasible the strategy shall promote other measures such as swales, surface water retention ponds, wetlands or other surface water retention measures to promote infiltration and mimic as far as possible existing natural greenfield run-off patterns (rates and volumes). The strategy shall include details of all flow control systems and the design, location and capacity of all such SUDS features and shall include ownership, long-term adoption, management and maintenance schemes and monitoring arrangements/ responsibilities, including detailed calculations to demonstrate the capacity of receiving on-site strategic water retention features without the risk of flooding to land or buildings. The development shall be carried out in accordance with the approved details and no building pursuant to the particular Reserved Matters for which approval is being sought shall be occupied or used until such time as the approved detailed surface water measures have been fully completed in accordance with the approved details.

The details are considered to be acceptable.

Condition 35

Each phase of the development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment and the following mitigation measures, as detailed in the FRA, shall be carried out in accordance with details to be submitted to and approved in writing by the District Council as local planning authority.

- (i) Flood resilient construction techniques.*
- (ii) Finished floor levels shall be set not lower than 300 mm above Ordnance Datum (AOD).*

The details are considered to be acceptable.

Condition 37

All applications for each phase of reserved matters approval shall include detailed design of means to provide for the satisfactory collection and disposal of surface water run-off. Successive Applications shall demonstrate that sufficient consideration has been given to the treatment and disposal of surface water not only on the land for which consent is sought but also on areas both upstream and downstream of the application site.

The details are considered to be acceptable.

Conclusion

The submitted details are acceptable in terms of enabling the conditions to be discharged in relation to this phase of development.

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.