DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0467-22**	**Applicant:**	**Ashley King (Developments) Ltd.**
Proposal:	Details of gas protection measures, construction management plan, surface water drainage, existing & proposed site levels, flood risk assessment & levels, survey work for water voles, landscaping, boundary treatments, management & maintenance schedule and tree protection plan (Conditions 3, 4, 6, 7, 8, 9, 10, 11, 12 & 14 of H22-0887-21)		
Location:	Land North Of High Road Weston Spalding		
Terminal Date:	5th July 2022		

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 2021

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

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	1	0	0	0
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of gas protection measures, construction management plan, surface water drainage, existing & proposed site levels, flood risk assessment & levels, survey work for water voles, landscaping, boundary treatments, management & maintenance schedule and tree protection plan (Conditions 3, 4, 6, 7, 8, 9, 10, 11, 12 & 14 of H22-0887-21).

Site Description

As original application.

History

As host consent.

Consultation Responses

Anglian Water - Drawing AHL-1570-01-DR-001 C1 shows that surface water is not to a public surface water sewer. We therefore have no comments to make on conditions 4 and 6

South Holland Drainage Board - The Board has previously granted consent under Byelaw 3 to discharge the surface water created by the new impermeable area on site into the riparian watercourse to the north of the site boundary at 5 l/s under reference 21_04017_C - Non-Material Amendment on the 26/05/2022.

LCC Highways/SUDS - Does not wish to restrict the grant of permission. The details of the submitted Construction Management Plan and Method Statement (Condition 4) are satisfactory. The highway authority has issued technical approval for the surface water drainage system (Condition 6). All other Conditions in this Application are outside of the remit of the highway authority.

SHDC Environmental Protection (noise and odour) - No objection.

SHDC Environmental Protection (contaminated land) - I have reviewed the Ashwood Homes drawing no 131-GMD-01 Rev B 'Gas Membrane Details' and associated membrane specification sent by email dated 6/7/22 and recommend discharge of condition 3i of H22-0887-21, with part ii remaining outstanding.

Lincolnshire Wildlife Trust - No response received.

Public (1 objection received, summarised) -
- Impact of use of High Road in terms of its condition, noise generation, increase in traffic, dirt etc.
- Bypass was designed and intended for heavy vehicles to eliminate high and heaving use through the village
- No consideration given to existing residents and property owners in the area

Planning Considerations

Condition 3 (ground gas protection measures) - SHDC's Environmental Protection Officer recommends that part i of Condition 3 can be discharged.

Condition 4 (construction management plan and method statement) - The Highway Authority and SHDC's Environmental Protection Officer have no objection to the submitted details.

Condition 6 (surface water drainage) - The Lead Local Flood Authority and Internal Drainage Board have no objection to the submitted details.

Condition 7 (existing and proposed site and floor levels) - The finished floor levels of the vast majority of plots comply with the requirement of Condition 8 to raise floor levels by a minimum of 500mm. Plots 56, 57, 58 and 61 are lower than this, however the applicant has provided a site plan with the SFRA depths overlaid. This shows that the finished floor levels of these dwellings are still to be raised to an appropriate level based on the SFRA data.

Plots 27 and 28 would be around 1m above existing ground level. Given the separation distance and boundary treatment (discussed further below) proposed, it is not considered that the raising of levels would have a material overlooking impact on those existing dwellings to whose boundaries they adjoin. Due to the intention to construct retaining walls to the north of 183-189 High Road, the top of the fencing along the southern boundary of the application site would be between 2.45m and 2.75m above ground level. Whilst this is not an ideal scenario, the existing dwellings fronting High Road benefit from long rear gardens where there is a minimum separation distance of 18m from the closest point of any dwelling to the rear boundary. Taking this into account and in light of the fact that the side wall of Plots 27 and 28 would sit only just beyond the fence, it is not considered that fencing of this height would impact the amenity of neighbouring occupants to any greater degree than the houses themselves.

Condition 8 (FRA) - This is a condition that is discharged by carrying out development in accordance with the mitigation measures in the approved FRA. The approved FRA requires that finished floor levels be set at least 500mm above existing ground level. The proposed floor levels accord with this.

Condition 9 (water vole mitigation) - The information provided satisfactorily addresses this condition and the mitigation measures and enhancements proposed are appropriate.

Condition 10 (landscaping) - The landscaping proposals are considered to include acceptable species and be of an appropriate layout. The submitted details indicate that Biodiversity Net Gain will be achieved, as required by Condition 10.

Condition 11 (boundary treatment) - The fence and wall arrangements are typical of and appropriate for a scheme of this nature. Based on the levels that have been provided, it is not considered that there will be a material overlooking impact from dwellings or their external amenity space. 1.8m high screening will be provided from ground level on the site side.

Condition 12 (management and maintenance of landscaping RCPs and private drives) - The public open space, detention basin, filter drains and refuse collection points are to be maintained by a management company. Responsibility for private drives will be shared by the owners on each drive. These are all common arrangements. The maintenance details provided are acceptable.

Condition 14 (protection of trees during development) - This is a condition that is discharged by carrying out development in accordance with the wording of said condition.

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 3, 4, 6, 7, 8, 9, 10, 11, 12 & 14 of H22-0887-21 can be discharged.