

DECISION DELEGATED TO HEAD OF PLANNING**DECISION DELEGATED TO HEAD OF PLANNING**

Application No: H23-0180-23 **Applicant:** R T W Construction & Developments Ltd

Proposal: Details of lighting, finished surface levels, estate road phasing and completion plan, surface water drainage scheme and foul water disposal. (Conditions 6, 8, 9, 11 and 12 of H23-0714-18)

Location: Land Off Cobgate Whaplode Spalding

Terminal Date: 5th June 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
30	Pollution

National Guidance**National Planning Policy Framework 2021**

National Planning policy Framework (2021)

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge conditions 6, 8, 9, 11 and 12 of planning approval H23-0714-18, relating to details in relation to lighting, finished surface levels, estate road phasing and completion plan, surface water drainage scheme and foul water disposal.

Planning approval H23-0714-18 granted full planning application for residential development, comprising 28 Bungalows, including estate roads, public open space and landscaping.

Site Description

The application site, as detailed within the aforementioned planning approval (H23-0714-18), is approximately 2.4 ha of agricultural land, located on the south-western periphery of Whaplode.

Properties off Abbots Gardens are situated to the east and frontage residential development is situated on the opposite side of Cobgate.

History

H23-0179-23. S73A CONTINUATION. Proposed residential Development of 28 bungalows including estate roads, public open space and landscaping - approved under H23-0714-18 - Modification of Condition 2 to allow amendments to previously approved plans. This proposal remains under consideration and, should this be recommended for approval, will require a S106 Deed of variation.

H23-0714-18. FULL. Proposed Residential Development of 28 Bungalows including estate roads, public open space and landscaping. APPROVED 06-03-19.

Consultation Responses

Highways & SUDS Support

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.

The details submitted to discharge details of lighting, finished surface levels, estate road phasing and completion plan, surface water drainage scheme and foul water disposal. (Conditions 6, 8, 9, 11 and 12 of H23-0714-18) are acceptable in accordance with approved details submitted with this application.

Following Amendments:

Please be advised that Lincolnshire County Council as a Highway and Lead Local Flood Authority have no objection to Amendment 1 - Levels added to drawing and annotation added to dykes (11748-WMS-ZZ-XX-DR-C-39210-S2-P8).

South Holland Drainage Board

In respect of the amended details:

The Board's Officers have reviewed the documents submitted in support of the above planning application. Officers have noted works which require Land Drainage Consent from the Board. I am pleased to note that Board has received several applications for Land Drainage Consent to enable this proposal. These are currently under determination.

Byelaw 3 (Surface Water)

I note the applicant intends to discharge surface water to the Board maintained watercourse (F45 Millars Lane & Turnpike Drain, Drain ID: DRN197P4503) at a rate of 5 l/s. I can confirm that the Board has received an application for consent to enable this proposal. This is currently being determined under the reference 23_21216_C.

Byelaw 3 (Treated Foul Water)

I note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991

As mentioned in my previous letter (dated 28/03/2023) the riparian watercourse adjacent to the eastern site boundary is in a poor condition. I am pleased to note that from discussions between the applicant and the Board, the applicant intends to restore this watercourse, as shown on the amended S104 Site Layout Plan (11748-WMS-ZZ-XX-DR-C-39210-S2-P9, William Saunders, 28/01/2019). The works will include re-establishing a gradient to ensure that the fall is in the direction of the Board maintained watercourse, located to the north of the site (F31 Greens Drain, Drain ID: DRN197P3101), as well as the installation of an access culvert on the northern end, not shown on the aforementioned drawing. The culvert is to ensure the Board's continued access to F31 Greens Drain. We are currently liaising with the applicant with regards to the specification of this. Reconnecting this riparian drain to the Board maintained watercourse at the north-east corner of the site will ensure that surface water flows will be conveyed into the wider drainage network, thus increasing flood storage capacity.

The Board recommends that adequate space (3-5 metres) is left flat and free from obstruction adjacent to the riparian watercourse in order to enable maintenance by future riparian owners or a designated maintenance company/contractor.

Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

As mentioned above, the site is adjacent to two Board maintained watercourses, F31 Greens Drain to the northern boundary and F45 Millars Lane & Turnpike Drain to the west. Whilst not currently proposed, should the applicant's proposals change to include works to alter these watercourses, or if works are proposed to alter these watercourses at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10

I note that the applicant intends to install a pipe within 9m of the aforementioned Board maintained watercourse F45 Millars Lane & Turnpike Drain (S104 Layout, 11748-WMS-ZZ-XX-DR-C-39210-S2-P7, William Saunders, 28/01/19). The applicant has approached the Board to make an application for consent under Byelaw 10, which is currently being determined under the reference 23_21199_C.

Anglian Water

Foul Water Comments: The foul proposal as outlined in the Section 104 layout drawing, shows a gravity connection to the existing public foul water network. This is acceptable we can confirm we recommend discharge of condition 12.

Surface Water Comments: The surface water is to discharge to an IDB Drain, this is outside of Anglian Water's jurisdiction for comment.

Neighbouring residents

This application has been advertised in accordance with the Development Management Procedure Order and the Council's Statement of Community Involvement. No representation has been received from neighbouring residents in this instance.

Planning Considerations

This application relates to conditions 6, 8, 9, 11 and 12 of the host permission, H23-0714-18.

Condition Details

The conditions detail:

Condition 6

Before the commencement of the development hereby permitted beyond oversight, the detailed design and location of all lighting to be provided to roads and footpaths within the development shall be submitted to and approved in writing by the Local Planning Authority and all lighting utilised in the development shall conform to the details so approved.

Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.

The submitted details of the lighting for the roads and footpaths are considered to be acceptable.

Condition 8

Before any dwelling is occupied, all of that part of the estate road and associated footways that forms the junction with the main road and which will be constructed within the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted and approved by the local planning authority.

Reason: In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels.

Lincolnshire County Council Highways have expressed no objections to the details, stating that the details provided in relation to conditions 6, 8, 9, 11 and 12 are acceptable. Taking this into consideration, along with the assessment of the details, it is considered that the submitted details in respect of condition 8 are acceptable.

Condition 9

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.

Taking this into consideration that Lincolnshire County Council Highways have expressed no objections to the details, along with the assessment of the details, it is considered that the submitted details in respect of condition 9 are acceptable.

Condition 11

The permitted development shall be undertaken in accordance with a surface water drainage scheme which shall first have been 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.

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 details in respect of surface water drainage are considered to be acceptable. Lincolnshire County Council, having previously advised the condition, have detailed that the surface water drainage scheme is "acceptable in accordance with approved details submitted with this application". Further indicating that the later amendments to submitted details pertinent to the conditions being considered (Levels added to drawing and annotation added to dykes (11748-WMS-ZZ-XX-DR-C-39210-S2-P8)) are also acceptable.

Condition 12

Before the commencement of the development hereby granted beyond oversight, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained and to avoid pollution.

The details as identified within 'Section 104 layout drawing', show that the foul water drainage for the development would comprise a gravity connection to the existing public foul water network.

It is considered that the details proposed are acceptable in this instance. Consultation responses gained from Anglian Water confirm that the details, in their consideration, are acceptable and also recommend discharge of condition 12.

Conclusion

The details in relation to these conditions (6, 8, 9, 11 & 12) 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.