

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

Application No: H02-1049-24 **Applicant:** Mr A Fasae & Mr G Lawal

Proposal: Details of contamination of land or pollution of controlled waters, landscaping, tree planting, proposed boundary treatments, external materials and window frames (Conditions 3, 8, 9, 10 and 11 of H02-0151-24)

Location: Land Off Hereward Way Crowland Peterborough

Terminal Date: 6th February 2025

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

02 Development Management
29 The Historic Environment
30 Pollution

National Guidance**National Planning Policy Framework December 2024**

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
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
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application is for a discharge of conditions, providing details of contamination of land or pollution of controlled waters, landscaping, tree planting, proposed boundary treatments, external materials and window frames (Conditions 3, 8, 9, 10 and 11 of H02-0151-24)

Site Description

The application site lies on the eastern side of Hereward Way and is sited to rear of dwellings fronting South Street and Reform Street. The land is presently an unused farm/commercial yard, containing a range of buildings of no architectural/visual merit.

The site lies within the Crowland Conservation Area.

Hereward Way is an adopted road and many access points emanate from it, normally to the rear of properties. The application site falls within a combination of "Low Hazard", "Danger for Some" and "Danger for Most" hazard zones.

History

H02-0151-24 - Erection of 6 Detached Dwellings. Approved 21-06-24

Consultation Responses

Highways

No Objections - 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.

Environmental Protection

I have reviewed the site investigation report undertaken by Lucion Ground Engineering Limited Report reference: 117913 published October 2024, for land off Hereward Way, Crowland. This has shown elevated concentrations and speciated polyaromatic hydrocarbon (PAH) contaminants in the soils tested. The conclusion from this report that this soil is not suitable for retention exposed at the surface within residential garden and landscaped areas. Within this report it has been proposed that for the proposed residential setting a minimum depth of removal and replacement of 0.60m in front gardens and 1.0m in rear gardens, or the full thickness of made ground where the thickness of made ground is less than this. To be replaced with a suitably thick cover or barrier layer and any imported soil must be certified as suitable for use. Overall I would agree with the findings of this report.

I request that a written method statement is submitted detailing the remediation strategy for land contamination and a timetable for completion. This shall include details of the proposed verification plan including compliance criteria and monitoring details

IDB

Please note that North Level District Internal Drainage Board have no comments to make regarding the above planning application

Planning Considerations

Condition 3 - Land Contamination

The condition requires:

The development hereby permitted shall not be commenced other than for works of demolition and removal of onsite buildings until a scheme to deal with any contamination of land or pollution of

controlled waters has been submitted to and approved in writing by the Local Planning Authority
i) A preliminary risk assessment (desk study) shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). A full copy of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.

ii) If identified as being required following the completion of the desk-top study, an exploratory site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed end use. A full copy of the site investigation and findings shall be forwarded to the LPA without delay upon completion.

iii) Thereafter, a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.

The applicant has provided the following:

Site investigation report undertaken by Lucion Ground Engineering Limited Report
Environmental Protection have reviewed the application and have requested a *I request that a written method statement is submitted detailing the remediation strategy for land contamination and a timetable for completion* this is highlighted as a requirement in relation to part 'iii' of the condition. Therefore at this stage the condition cannot be discharged.

Condition 8 - Landscaping

The condition requires:

The scheme of landscaping and tree planting shown on dwg. no. HW/06/J shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

This condition is compliance and does not require discharge.

Condition 9 - Boundaries

The condition requires:

Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

The applicant has provided:

Proposed boundary treatments including plan HW/09/A

The scheme of boundaries are considered acceptable and can be discharged.

Condition 10 - Materials

The condition requires:

Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved

The applicant has provided:

-External materials schedule

Whilst the tiles, brick work and surfacing arrangements are acceptable, the use of UPVC openings and door as not acceptable within the conservation area. The condition cannot therefore be discharged.

Condition 11 - Windows and Doors

The condition requires:

Details of the window frames to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Such details shall indicate, at a scale of not less than 1:10, the longitudinal and cross-sectional detailing (including reveals), cill and lintol detailing, and means of opening. The window frames shall be installed in accordance with the approved details and thereafter so maintained

The applicant has provided:

- Window Frames including plans HW/72/A, HW/71/A and HW/73/A

The use of UPVC is not considered acceptable in this location and therefore the condition cannot be discharged

Conclusion

Conditions 3, 8, 9, 10 and 11 of H02-0151-24 remain extant.

Conditions 8 & 9 are acceptable.

Conditions 3, 10 & 11 are not acceptable

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.