

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0299-24 **Applicant:** Mr O Read

Proposal: Details of landscaping & tree planting, site & floor levels, contamination of land or pollution of controlled waters, boundary treatments, foul and surface water disposal (Conditions 4, 5, 6, 11 & 15 of H06-0848-23)

Location: Land Adjacent To Sea Breeze Marsh Road Gedney Drove End

Terminal Date: 29th May 2024

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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 4 - Decision-Making
Section 12 - Achieving well-designed and beautiful 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

CASE OFFICER ASSESSMENT

Proposal

This application is seeking to discharge planning conditions 4, 5, 6, 11 and 15 of H06-0848-23. These conditions involve landscaping, site levels, contaminated land, boundary treatment and drainage.

Site Description

The site lies within the defined settlement boundaries of Gedney Drove End as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The area where the proposed dwelling will be situated is one of the only areas of land which is yet to be developed within this area. The majority of properties along Marsh Road are bungalows, with the exception of a few dwellings in the immediate area.

History

H06-0202-18 - Erection of two new dwellings with vehicular access - Approved

H06-0868-21 - Erection of pair of 2 bed semi-detached dwellings - Approved

H06-1116-22 - Details of contamination of land or pollution of controlled waters (Condition 4 of H06-0868-21) - Refusal

H06-0848-23 - Proposed dwelling - Approved

Consultation Responses

South Holland Internal Drainage Board

No objections.

Lincolnshire County Council Highways Authority

Recommendation: No objection

The details Details of landscaping & tree planting, site & floor levels, contamination of land or pollution of controlled waters, boundary treatments, foul and surface water disposal (Conditions 4, 5, 6, 11 & 15 of H06-0848-23) are acceptable in accordance with approved drawings and details submitted with this application.

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.

Planning Considerations

Condition 4 - Landscaping Detail

Condition 4 of H06-0848-23 states that:

Before the commencement of the development hereby permitted beyond oversight, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site

(including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority 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.

NOTE: The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.1 (or any successor).

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set, and that Biodiversity Net Gain will be achieved. This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

Based on the supporting information provided the landscaping details has been outlined through 'Hard and Soft Landscaping Proposals'. Three trees will be located on the east side of the site and will be checked periodically and adjusted as necessary, additionally, hedging will be sited on the north and south: they will be checked and dead or dying plants replaced up to a period of five years from planting and any weeds growing within the planting bed will be removed. As the hedge reaches the required height the plant tops will be trimmed to allow more horizontal growth and side trimming can occur once the desired width is reached, trimming will only take place outside the nesting season. In relation to the grass areas, the newly turfed and seeded areas are to be lightly rolled once they reach 50mm sward height, they will then be cut to 40mm and remove all clippings. The grass will be regularly trimmed to maintain a 40mm sward.

The existing topsoil shall be removed from areas of hard landscape and these areas are to be re-graded. It shall be kept free of contamination, compaction and stored in heaps of less than 1m high. The imported topsoil is to be BS3883 multipurpose natural topsoil with stone size to pass through a 40mm sieve and content to be less than 10%. Topsoil shall be free of subsoil, perennial weed seed, stolons, rhizomes or poisonous substances.

All hedging plants are to be 60-80cm high bare-rooted stock and shall comply with British Standard 3936. The plants should be 2 year old seedlings and be health and vigorous. Once delivered they are to be checked, unpacked and watered immediately. They should be protected from frost and gently heeled to ensure they do not dry out. They will avoid any planting in frosty conditions and keep roots covered during planting operation.

The planting of the hedge shall be carried out between November and March when the plants are dormant. Planting should be in two staggered rows 300mm apart with plants at approximately 450mm in each row allowing for 6 plants per metre into weed free ground. This shall be achieved using either cultivated strip planting (in a cultivated strip approximately 600mm wide by 250mm deep) or slit planting. The plants should be set at the same root depth as they were at the nursery and should be well firmed in and guards fitted. A 75mm layer of bark mulch shall be applied over the planting bed to reduce weed competition.

For hedge plant protection 450mm by 38mm spiral plant guards will be used and secured with a suitable cane or stake. These will be installed in a way that ensures there is no tree strangulation.

Wildlife Friendly Hedge Mix (WFHM) - RSPB Approved

20% Hawthorn (*Crataegus monogyna*)

10% Wild Cherry Plum (*Prunus cerasifera*)

10% Wild Privet (*Ligustrum vulgare*)

10% Hazel (*Corylus avellana*)

10% Wild Damson (*Prunus domestica*)

10% Guelder Rose (*Viburnum opulus*)

10% Blackthorn (*Prunus spinosa*)

10% Dog Rose (*Rosa canina*) or 10% Sweet Briar (*Rosa rubiginosa*)

10% Field Maple - *Acer campestre*

All trees should be 8-10cm girth standard trees either rootballed or container grown and should be single staked with 75mm minimum diameter stake free from back with one end pointed. The tree pits shall be 600x600xdepth of rootball or container (or 150mm wider than the round rootball,

whichever is greater) do not plant deeper than the soil mark on the stem. The pit base shall be broken up to avoid compaction.

Trees

T1 Standard Betula pendula

T2 Standard - Sorbus aucuparia

T3 Standard Prunus avium Plena

The grass shall be domestic lawn turf with the turf supplied for lawn areas to be to BS3969.

From this information provided the landscaping details are acceptable and adequate for this site.

Condition 4 of H06-0848-23 can therefore be discharged.

Condition 5 - Details of Existing and Proposed Site Levels

Condition 5 of H06-0848-23 states that:

Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Note: Site levels and finished floor levels have not been approved. Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: To ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

The existing site levels vary from 4.31 to 4.86 AOD at the highest point due to the uneven levelling of the site in its current form, the proposed site levels look to have the plot the dwelling sits on at 4.39 AOD throughout with the road level being 4.27 AOD. The south east fence shall be 6.2 AOD and the north west shall be 6.28 AOD, finally the fence along the rear elevation will have a level at 5.2 AOD. The proposed floor levels for the dwelling will be 4.54 AOD of the ground floor which features no habitable accommodation as per the Environment Agencies request. This is not considered to be a significant increase from the existing level and will therefore ensure the site sits similarly to other dwellings.

Condition 5 of H06-0848-23 can therefore be discharged.

Condition 6 - Contaminated Land Scheme

Condition 6 of H06-0848-23 states that:

The development hereby permitted shall not be commenced 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 (LPA).

The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:

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.

No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

Environmental Protection were consulted on this application and raised no objections with their comment reading 'I have reviewed the EnviroSolution Ltd report 'Land Adj. Sea Breeze, Marsh Road, Gedney Drove, End Spalding Phase 1 Environmental Site Assessment Report' ref ES02903 dated 15th January 2024 rev 1. I am in general agreement with the findings and I recommend discharge of condition 6 of H06-0848-23'.

Condition 6 of H06-0848-23 can therefore be discharged.

Condition 11 - Details of Boundary Treatment

Condition 11 of H06-0848-23 states that:

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.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

From the plan labelled '6797/C02' it shows there are two fence designs and a separate gate. On both side elevations there is a 1.8m close boarded fence with a 1.2m close boarded fence running across the north western elevation of the rear curtilage. Directly adjacent to the rear fence there shall be a hedge connecting to the side fence, furthermore directly opposite this there shall also be a hedge being of a similar length. These boundary treatments are considered to provide adequate privacy for the residents of this property once constructed as well as providing cover for neighbouring plots. There shall be no overshadowing or overbearing issues either.

Condition 11 of H06-0848-23 can therefore be discharged.

Condition 15 - Full Details of Drainage

Condition 15 of H06-0848-23 states that:

Before the commencement of the development hereby granted beyond oversight, full details of the

proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2023.

South Holland Internal Drainage Board were consulted on this application, through this process they raised no objections. Consent may be required under Byelaw 3, it is not currently required for Section 23 and is not applicable to Byelaw 10. From 6797/C02 it shows that there is a crated soakaway within the private garden for surface water drainage, it is to be positioned a minimum of 5m from buildings and boundaries. Furthermore, there shall be a cesspool below this for foul water drainage with the tank to be a minimum of 7m from buildings.

Byelaw 3 (Surface Water) - The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development Control Charges and Fees.

Byelaw 3 (Treated Foul Water) - I note that the applicant intends to contain foul water using a cesspool, which would then be disposed of off-site. However, please be advised that should there be a discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991 - I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Byelaw 10 - There are no Board arterial watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply. The closest Board arterial watercourse is located to the south-west of the site, known as K29 Gedney Drove End (Drain ID DRN201G2901).

As South Holland Internal Drainage Board have raised no objections to the proposed methods of drainage, the LPA have no concerns.

Condition 15 of H06-848-23 can therefore be discharged.

Conclusion

The details in relation to these conditions (4, 5, 6, 11 and 15) 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.