

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H08-0657-24	Applicant:	Gleeson Homes
Proposal:	Details of external materials, estate road phasing & completion plan, ground gas protection measures, contamination of land or pollution of controlled waters, archaeological investigation, equipped children's play area, site levels & floor levels, surface water drainage scheme, foul water disposal, construction management plan & method statement, prevent the deposit of mud on public highways, landscaping & tree planting, boundary treatments & management & maintenance schedule (Conditions 3, 6, 7, 8, 10, 13, 15, 16, 17, 19, 20, 22, 23 & 24 of H08-1256-21)		
Location:	Land Off York Gardens Gosberton Spalding		
Terminal Date:	27th September 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
APPENDIX 6	Parking Standards

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 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
HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND	0	0	0	1

DEEPINGS INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of condition application which provides details of external materials, estate road phasing & completion plan, ground gas protection measures, contamination of land or pollution of controlled waters, archaeological investigation, equipped children's play area, site levels & floor levels, surface water drainage scheme, foul water disposal, construction management plan & method statement, prevent the deposit of mud on public highways, landscaping & tree planting, boundary treatments & management & maintenance schedule (Conditions 3, 6, 7, 8, 10, 13, 15, 16, 17, 19, 20, 22, 23 & 24 of H08-1256-21)

- Condition 3 - Materials and Finishes
- Condition 6 - Road Phasing and completion
- Condition 7 - Gas mitigation
- Condition 8 - Land Contamination
- Condition 10 - Archaeological Information
- Condition 13 - Play Area & Equipment
- Condition 15 - Site Levels
- Condition 16 - Surface Water Drainage Scheme
- Condition 17 - Foul Water
- Condition 19 - Construction Management
- Condition 20 - Wheel Wash Facilities
- Condition 22 - Landscaping
- Condition 23 - Boundary Treatments
- Condition 24 - Management Company

History

H08-1256-21 - Proposed residential development of 92 - 1, 2, 3 and 4 bedroom dwellings with public open space, and access from York Gardens. Approved 27-06-24

Consultation Responses

Environmental Protection - I have reviewed the Geo-matters consulting engineers phase 2 geo-environmental investigation report which has been submitted. I would agree with the findings of this report. As highlighted in this report ground gas protection measures should be undertaken throughout this development. Also as highlighted in this report contamination found in soil samples of TP08, will require remediation as suggested in this report. I request to see a validation report for the removal of contaminated soil in and around TP08. I also request to see gas protection measures being undertaken for this development.

Historic Environment Officer - After completion of the scheme of works I recommend the discharge of condition 10 and condition 11 of H08-1256-21. However, the submitted archaeological reports do not meet the required standards. Therefore, I do not recommend the discharge of condition 12 until amendments are made. The archaeological contractor can contact myself for details of these requested

Ecologist

Unfortunately, I am only coming to this application and EIA now. I've reviewed the EIA and BNG information submitted and offer a few comments for your consideration.

Planning Considerations

Condition 3 - Materials and Finishes

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:

-3139-A01-01 Site & Materials layout

-NSD711-Tarmac Drive and Shared Drive Details (concrete edging

The schedule of materials as well as those for hard surface area are considered acceptable.

Condition 3 is hereby discharged.

Condition 6 - Road Phasing and completion

The condition requires:

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.

The applicant shows on drawing number 3139-A02-01 which is contained within the Construction Management Plan document (by Gleeson).

Condition 7 - Gas mitigation

The condition requires:

Prior to the commencement of any development, details of the ground gas protection measures to be installed, shall be submitted to and approved in writing by the Local Planning Authority. This may include a site specific ground gas risk assessment if appropriate. This shall include the detailed proposal for decommissioning of any boreholes which may provide a gas migration pathway.

The applicant has provided the following:

-48731-ECE-XX-XX-DR-C-0038 P01 Standard

-Gas membrane Installation Details GML21156 Phase II Report ML Rev 2

The applicant has provided details of the ground gas protection measures to be installed. The information is sufficient to discharge condition 7 of planning permission H08-1256-21.

Condition 8 - Land Contamination

The condition requires:

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 applicant has submitted the following:

- 42727-001-Gosberton-Phase 1

- GML21156 Phase II

- Report ML Rev 2 LA Response Letter

Environmental Protection have reviewed the submission and are happy with the finding of the

report. A validation report needs to be submitted, but the condition is discharged as far as pre-commencement purposes.

10 - Archaeological Information

The condition requires:

No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority

The applicant has provided the following information:

-Archaeological Report

The historic places team have confirmed that the discharge of condition 10 is acceptable, the details provided within the above report are therefore acceptable. Condition 10 is therefore discharged.

Condition 13 - Play Area & Equipment

The condition requires:

An equipped children's play area shall be provided within the site. The timing of the implementation, location, detailed design, layout, and specification of the equipment for the play area shall be submitted to and approved in writing by the Local Planning Authority.

The applicant has provided:

-York Gardens - Sales Pack Layout

-York Gardens, Gosberton - Kompan LEAP plan - Gleeson Homes

The applicant shows a play area with equipment located centrally within the site, the approach is considered acceptable. The information is therefore to discharge condition 13.

Condition 15 - Site Levels

The condition requires:

An equipped children's play area shall be provided within the site. The timing of the implementation, location, detailed design, layout, and specification of the equipment for the play area shall be submitted to and approved in writing by the Local Planning Authority.

The applicant has provided:

-3378-1-002-A-Site Sections 4865 York Gardens Topo2D E827-90i-EXTERNAL WORKS &
-BUILDING DRAINAGE-Layout 1 E827-92i-EXTERNAL WORKS & BUILDING DRAINAGE-Layout
1
-E827-91i-EXTERNAL WORKS & BUILDING DRAINAGE-Layout 1

The levels are considered acceptable and hereby discharged.

Condition 16 - Surface Water Drainage Scheme

The condition requires:

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

The applicant has provided:

-E827 Drainage Strategy Statement

-E827-20E ROADS 1 & 2 SECTIONS

- E827-21D ROADS 3 & 4 SECTIONS
- E827-22D ROADS 5-7 SECTIONS
- E827-23 ROAD & SEWERS SECTIONS
- E827-29 STORM MANHOLE SCHEDULE
- E827-31C HIGHWAY STANDARD DETAILS (SUDS, DRAINAGE AND CROSSINGS)
- E827-40A SEWER STANDARD DETAILS
- E827-41 CONTROL CHAMBER LAYOUT
- E827-43B WATERCOURSE OUTFALL HW
- E827-44 POND INLET HW'S (S19&S25)
- E827-45 POND INLET HW (S8) E827-46 POND OUTLET HEADWALL S9A (SF11B) E827-OFR(A) OVERLAND FLOOD ROUTE (EXCEEDANCE)

The applicant has evidence both the Section 104 technical approval as well as the Section 38 technical approval. The surface water infrastructure which is to be adopted is therefore acceptable.

Condition 17 - Foul Water

The condition requires:

Before the commencement of the development hereby granted, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority

The applicant has provided:

- E827 Drainage Strategy Statement
- E827-90i-EXTERNAL WORKS & BUILDING DRAINAGE-Layout 1
- E827-92i-EXTERNAL WORKS & BUILDING DRAINAGE-Layout 1
- E827-91i-EXTERNAL WORKS & BUILDING DRAINAGE-Layout 1
- PPE-0136957+-+Pre-planning-report-13-12-2021

The applicant has evidence both the Section 104 technical approval as well as the Section 38 technical approval. This includes confirmation that the existing infrastructure has capacity to accept the flows leaving the site, and that this development will be accepted. The foul water strategy is therefore acceptable.

Condition 19 - Construction Management

The condition requires:

The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to, and approved in writing by, the Local Planning Authority.

The applicant has provided:

- Construction Management Plan

Highways have confirmed they are happy to discharge the said condition, the information contained within the aforementioned document is therefore acceptable. Condition 19 is hereby discharged.

Condition 20 - Wheel Wash Facilities

The conditions requires:

No development shall take place until details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development have been submitted to and approved in writing by the Local Planning Authority.

The applicant has provided:

- Construction Management Plan

-Highways have confirmed they are happy with the Construction Management Plan. Condition 19 is hereby discharged.

Condition22 - Landscaping

The condition requires:

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

The applicant has provided:

-3796-4D-dlp1-A0-250
-3796-5D-dlp2-A0-250
-3796-6C-dlp-ws-A1-500

The landscaping scheme is considered acceptable. The condition is hereby discharged.

Condition 23 - Boundary Treatments

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

The applicant has provided the following:

-3139-A01-01 Site & Materials Layout
-3796-4D-dlp1-A0-250 3796-5D-dlp2-A0-250
-3796-6C-dlp-ws-A1-500

The scheme of boundary treatments are considered acceptable. The condition is hereby discharged.

Conditions 24 - Management Company

The condition requires:

Before the commencement of development hereby permitted, details of the management and maintenance schedule for the areas of landscaping, incidental open space, refuse/recycling collection points and parking courts/private drives shall be submitted to and approved in writing by the Local Planning Authority

The applicant has provided:

-3139-A03-01 Plan 2
-York Gardens - Sales Pack Latest

The information is acceptable to discharge condition 24.

Conclusion

Conditions 3, 6, 7, 8, 10, 13, 15, 16, 17, 19, 20, 22, 23 & 24 of H08-1256-21 are hereby 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 xxx 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 xxx 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.