DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0760-24**	**Applicant:**	**R K Wilson Builders Ltd**
Proposal:	Details of site section/levels, boundary treatment & external materials, landscaping, waste collection points or private refuse/recycling collection, remediation method statement, construction management plan, acoustic fencing & acoustic window details, design & position of external meter boxes etc and scheme detailing external lighting (Conditions 4, 5, 6, 7, 8, 10, 11, 14 and 15 of H08-0282-24)		
Location:	Riseholme Farm Windmill Lane Gosberton Risegate		
Terminal Date:	1st November 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
28	The Natural Environment
36	Vehicle and Cycle Parking
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

12 Achieving well designed and beautiful places
14 Meeting the challenge of climate change, flooding and coastal change
15 Conserving and Enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL				

	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of site section/levels, boundary treatment & external materials, landscaping, waste collection points or private refuse/recycling collection, remediation method statement, construction management plan, acoustic fencing & acoustic window details, design & position of external meter boxes etc and scheme detailing external lighting (Conditions 4, 5, 6, 7, 8, 10, 11, 14 and 15 of H08-0282-24)

Site Description

As host consent.

History

H08-0282-24 - Erection of 6 single storey dwellings and garages, formation of parking and bin collection point and reinstatement of existing access. Approved 30-05-24.

H08-0290-24 - Non- Material Amendment - Erection of one dwelling - approved under H08-0515-22. Re-siting of dwelling. Refused 25 April 2024.

H08-0965-22 - Residential development. Approved 14.02.2023.

H08-0515-22 - Erection of one Dwelling - Approved 14.11.2022

Consultation Responses

LCC Highways

No objections.

The conditions referred to were not highway requested conditions. This is a private drive of less than 10 dwellings.

Ecologist

Requested swift bricks

Environmental Protection

Details regarding acoustic fencing and windows are acceptable. We would however request that construction times are limited to the following:

Mon-Friday 07:30-18:00
Saturday 08:00-13:00
No Sunday working, to protect amenity of nearby properties.

Comments in relation to Lighting - response dated 6.11.24

Condition 15 - Lighting
I have reviewed the proposal for lighting at the location and have had regard to the Institute of Lighting Professionals Guidance Note 9/19 'Domestic exterior lighting: getting it right!'
Although the properties are close together, the use of low lumen bulbs (7W est c.500 lumens) in the up/ down wall lights would conform with the guidance note and would be unlikely to give rise to nuisance given the way the lights are angled.

Regarding the bollards, whilst the low height and the solid top should prevent upward light pollution, they will be quite bright at 2000 lumens, however given the positioning they would be unlikely to give rise to nuisance.
However I do have concerns regarding the bulkhead lighting, in particular on plots 4 and 5, and to a lesser extent on plot 3, where the lights are facing directly at other properties. The bulkhead lights are shown as 1250 lumen, which is above the 600-900 lumens recommended by the ILP. I recommend a reduction in this case.

Comments in relation to Remediation - response dated 6.11.24
I have reviewed the Lucion Ground Engineering Limited REMEDIATION METHOD STATEMENT, LAND OFF WINDMILL LANE, GOSBERTON RISEGATE, SPALDING, LINCOLNSHIRE, Report Reference No. 116974 August 2024 and in general agreement with the proposals. However, no detail is given as to the amount of validation proposed. If the applicant agrees to comply with the YALPAG 'VERIFICATION REQUIREMENTS FOR COVER SYSTEMS Technical Guidance for Developers, Landowners and Consultants' in terms of sampling and validation rates, then I recommend discharge of condition 8 in full, with condition 9 remaining outstanding.
I look forward to receipt of the validation in due course.

Comments relating to Construction Management Plan - Response dated 7.11.24
No adverse comments in relation to Construction Management Plan.

Welland and Deeping Internal Drainage Board
No comments

Network Rail
No comments.

Planning Considerations

Condition 4 Wording

"Prior to the commencement of development, a detailed levels survey of the site, recording existing ground levels Above Ordnance Datum, including drawings showing the resulting ground and floor levels following construction of the dwellings and details of the height and relative position of proposed boundary treatments to the dwellings, shall be submitted to and approved in writing by the Local Planning Authority. The finished floor levels of the dwellings shall be set at a minimum of 0.3m and a maximum of 0.45m above surveyed existing ground levels.

Note: the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings, and in relation to Risegate Road to the south of the site, and the bungalows along Windmill Lane to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place and to ensure there are no adverse effects upon amenity in terms of overshadowing, loss of privacy or overlooking.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding and to protect surrounding amenity.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, December 2023."

Condition 4 Detail

Levels information

Site sections are provided on amended plans: Section A-A is through neighbour on Windmill Lane through Plot 1.
Site section B-B is through neighbour on Windmill Lane through Plot 2.

Site Section C-C is through neighbour on Windmill Lane through Plot 3.
Site Section D-D is through neighbour to the South through Plots 4, 5 and 6.

There is no site section from either Plots 2 or 3 through the third neighbour along Windmill Lane as this is between the two plots. Either side there are sections through Plots 2 and 3. The impact on this property are projected to be similar, not significant and would not impact amenity.

Plot 1 is House Type A and has a finished floor level of 3.550m with a ground level of 3.150m. AOD. It is 13.38m wide and 8.64m deep. The section A-A from the adjoining property through Plot 1 shows the ridge of the neighbour at 7.850m AOD with eaves at 5.83m AOD and Plot 1's ridge height at 8.912m AOD with eaves at 6.218,AOD. Whilst 1.062m higher, it is considered that this would not lead to significant loss of light and outlook given the position to the neighbour being flank on. The difference between finished floor level and ground floor level is 0.4m so is below the threshold in the condition.

Plot 2 is a House Type B and is 12.09m wide. has a finished floor level of 3.625m, with ground level at 3.17m AOD. The difference between finished floor level and ground floor level is 0.45m so is not higher than the threshold in the condition. It has a ridge height of 9.094m AOD to the ridge, and 6.303m AOD to the eaves, whilst the neighbour's ridge height is 8.41m AOD, and eaves up to 6.303m AOD. The difference in ridge height to the neighbour is 0.684m. Whilst facing the neighbour the distance between the two is not considered to affect the neighbour's amenity. The section relevant to this plot is Section B-B.

Plot 3 has a finished floor levels of 3.7m with a ground level of 3.34m AOD. House Type C is a 2 bedroomed property which is 12m wide and 9m long. House type is Type C. Projected ridge height is 9.159m AOD with a eaves height of 6.369m. The height difference with neighbours (0.259m) is not considered to be significant to the extent to affect amenity. The difference between finished floor levels and ground levels is 0.36m which is within the parameters of the condition.

Plot 4 has a finished floor level of 3.7m with a ground level of 3.27m AOD. the difference between the FFL and ground level is 0.43m which is within the parameters of the condition. The ridge height would be 9.062m AOD with a ridge height of 6.368m but this is 1.508m smaller than its immediate neighbour to the south as that is a 2 storey property. This is house type A - 13.38m wide and 8.64m deep.

Plot 5 has a finished floor level of 3.625m, with a ground floor level 3.325m, AOD. The difference between Finished Floor ground level and ground level is 0.43m which is below the parameters of the condition. The ridge height of this property would be 8.987m AOD with an eaves height of 6.293m AOD. This is house type A - 13.38m wide and 8.64m deep. Whilst further away from the neighbour, this property would be 1.583m lower than the neighbour to the south.

Plot 6 has a finished floor level of 3.55m, with a ground level of 3.14m AOD. The difference between Finished Floor Level and Ground level is 0.41m which is within the remit of the condition. The ridge height would be 8.912m AOD with an eaves height of 6.219m AOD. This is house type A - 13.38m wide and 8.64m deep. Whilst away from the neighbour to the south, the difference in ridge height would be 1.658m lower than the neighbour.

None of the finished floor levels of the properties exceed the maximum difference between ground and finished floor levels to any significant degree. The eaves and ridge heights are not excessive as to cause harm to neighbouring properties.

The levels information for these plots are satisfactory and are not significantly higher than existing bungalows.

It is considered that the details are considered satisfactory and condition 4 can be discharged.

Fencing Information

Rear and front elevation fencing is 1.8m high close boarded fence, in treated timber posts, cross rails and feather boarding.
There will be a 2.m high acoustic fence line along Plots 6, 5 and 4. This is close to the railway boundary.
A 1.8m fence is proposed on the southern boundary which borders Plots 3 and 4.
A mixed native hedge will be situated around the turning area to the front of Plots 1 and 6,

A mixed native hedge is proposed along the northern boundary north of the private driveway and turning area.
A 1.8m brick wall and timber fence is proposed around the garden of Plots 1 and 6. This has timber panels in a scallop pattern with trellis above, on top of brick at the lower levels and brick piers.

The submitted details contain a specification for the acoustic fencing which is considered acceptable. Environmental Protection and Network Rail consider the acoustic fencing details to be acceptable.

As a result the fencing detail which also does not adversely affect amenity is considered acceptable.

It is considered acceptable to discharge the conditions.

Condition 5 Wording

"No above ground work shall commence unless and until a schedule of external materials in relation to the colour, finish and texture of external materials 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.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019."

Condition 5 Detail

Materials

The external materials consist of:
Plots 1, 3 and 6 will have TBS Birkdale, which is a mid brown mottle brick.
Plots 2 4 and 5 are to be TBS Kharki, in a brindle light beige.
All dwellings will have grey fibre cement rooftile, cream UPVC, Cedar Boarding - anthracite, Anthracite Garage door, brick boundary wall to match dwelling, buff paving and driveway.

Fencing

Rear and front elevation fencing is 1.8m high close boarded fence, in treated timber posts, cross rails and feather boarding.
There will be a 2.m high acoustic fence line along Plots 6, 5 and 4. This is closed to the railway boundary.
A 1.8m fence is proposed on the southern boundary which borders Plots 3 and 4.
A mixed native hedge will be situated around the turning area to the front of Plots 1 and 6,
A mixed native hedge is proposed along the northern boundary north of the private driveway and turning area.
A 1.8m brick wall and timber fence is proposed around the garden of Plots 1 and 6. This has timber panels in a scallop pattern with trellis above, on top of brick at the lower levels and brick piers.

The proposed external details are satisfactory.

Condition 5 can be discharged.

Condition 6 Wording

"Prior to the occupation of the development hereby permitted, a landscaping scheme indicating, inter alia, the number, species, heights of planting and positions of all the trees, together with details of post-planting maintenance shall be submitted to and approved in writing by the Local Planning Authority. 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. The scheme shall include the replacement hedge on the northern part of the access road which incorporates a native rich species.

Note: The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 4 (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."

Condition 6 Detail

The submitted details include a Baseline Areas plan, a proposed planting plan and a BNG Post development plan.

The planting plan has a front boundary hedge wrapping around the front boundary of Plots 1 and 2. There are three areas of planting in the scheme. Planting on the edge of plots 1 and 6, and between Plots 3 and 4.
Between Plots 1 and 6 there is a specimen shrub in the centre surrounded by ornamental shrub planting.
Between Plots 3 and 4, the planting has a tree in the centre, surrounded by ornamental shrub planting.
To the north of the access road there is a EL1 Flowering Lawn Mixture, with native hedge planting behind.
The planting details are considered satisfactory.

It is considered that Condition 6 can be discharged.

Condition 7 Detail

"Prior to the occupation of any dwelling, full details of the arrangement for waste collection points or private refuse/recycling collection, shall be submitted to and approved in writing by the Local Planning Authority. The approved management arrangements shall be implemented upon first occupation of any dwelling and thereafter retained for the lifetime of the development.

Details of the height, colour and materials of any screening to the refuse collection point to the north of the access on Windmill Lane as shown on plan 1443-4_PL_SP102 shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be maintained.

Reason: To properly manage refuse/recycling collection associated with the site.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019."

Condition 7 Detail

The waste collection point is shown on the corner of Windmill Lane, north of the private drive. The Refuse Collection point is in a position where the refuse can be collected by the Refuse lorry by the site of the road as it moves along Windmill Lane. The collection point is constructed of concrete hardstanding with a kerb upstand and sign, 'Refuse collection point for residents'.

The waste collection details are considered satisfactory.

Condition 7 can be discharged.

Condition 8 Wording

"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.

The scheme shall include 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 Local Planning Authority. 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 Local Planning Authority.

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 works proceeding should contamination be found. This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019."

Condition 8 Detail

Environmental Protection reviewed the Lucion Ground Engineering Limited REMEDIATION METHOD STATEMENT, Land off Windmill Lane, Gosberton Risegate, Lincolnshire, Report Reference No. 116974, August 2024. They are in general agreement with the findings. They asked for confirmation that the development will be carried out in accordance with the YALPAG 'Verification Requirements for Cover Systems" which was confirmed by the agent on the 11th November by email.

As a result of this agreement Environmental Protection confirmed that condition 8 can be discharged in full.

Condition 8 can be discharged.

Condition 9 remains outstanding to be discharged which is to be undertaken at a later date.

Condition 10 Wording

"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 Construction Management Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include;
- the phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- a strategy stating how surface water run off on and from the development will be managed during construction.

Reason: In the interests of the safety and free passage of those using the adjacent public highway and 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 during construction.

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

Condition 10 detail

The details include a construction management plan which details how construction will be managed during the two year build period.

Environmental Protection and the Local Highway Authority to not object to the details.

It is considered that the details are considered satisfactory and as a result condition 10 can be discharged.

Condition 11 Wording

"No above ground work shall commence until a scheme in accordance with all of the

recommendations outlined in the Noise Impact Assessment Document reference: 03783-240100 dated 22/09/2023 has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include acoustic window details, window reveal depths and dimensions, high specification bedroom windows, the location and height of acoustic barrier fencing and other details outlined in the above report to protect the residential dwellings from any identified excessive noise and/or vibration ingress from the railway line.

The approved details shall be implemented prior to the first occupation or each dwelling and shall thereafter be so retained and maintained for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity of future occupiers of the property with regards to the proximity of the railway line, and to ensure details are acceptable to the Local Planning Authority. This Condition is imposed in accordance with Policies 2 and 30 of the South East Lincolnshire Local Plan, 2019."

Condition 11 Detail

Fencing and Acoustic Fencing Details

The submitted details show fencing on the proposed site plan and site section, the boundary treatments plan and
Tanalised Fencing to a height of 2010mm high with a 2.4m board length, with a capping rail and a double counter rail. Bottom board is to be part buried. Width of board is 145mm along Plots 6, 5 and 4. This is the nearest side close to the railway boundary.

Rear and front elevation fencing is 1.8m high close boarded fence, in treated timber posts, cross rails and feather boarding.

A 1.8m fence is proposed on the southern boundary which borders Plots 3 and 4.

A mixed native hedge will be situated around the turning area to the front of Plots 1 and 6,

A mixed native hedge is proposed along the northern boundary north of the private driveway and turning area.

A 1.8m brick wall and timber fence is proposed around the garden of Plots 1 and 6. This has timber panels in a scallop pattern with trellis above, on top of brick at the lower levels and brick piers.

The tanalised fencing is required on the eastern flank facing the railway. Environmental Protection and Network Rail raise no objection to the submitted details. As a result it is considered that the acoustic fencing details are satisfactory.

The other fencing details are considered satisfactory.

Window Details

The window details show sections and elevation of windows in terms of height, reveal depth, thickness.

Bedrooms facing railway show 10mm glass, 12mm airgap, 6.8mm acoustic laminate glass. All other bedrooms and living rooms are 4mm glass/minimum 12mm airgap and 6mm glass.

Ventilators will have a minimum sound insultation performance of 35 dB.

Both Network Rail and Environmental Protection Raise no objection to the mitigation details or mitigation report.

Therefore the details are considered satisfactory. Condition 11 can be discharged.

Condition 14 Wording

"Details of the design and positions of all external boxes for gas and electricity supplies and of any

gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, December 2023."

Condition 14 Details

For Housing Type A and C:
The electric Meter Box is on the front elevation.
The soil pipe is on the rear elevation.

The properties are not connected to gas as the properties will have heat pumps which are not required to be shown for the purposes of the condition.

For Housing Type B:
The soil vent pipe is on the rear elevation, the electricity meter box is on the flank elevation.

The details are considered satisfactory.

It is considered that Condition 14 can be discharged.

Condition 15 Wording

"A scheme detailing external lighting to the dwellings shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed prior to occupation of each dwelling in accordance with the approved details and shall be maintained thereafter.

Reason: In the interests of amenity and to ensure that lighting does not affect the operation of the nearby railway.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019."

Condition 15 Detail

The purpose of the lighting scheme is to prevent light pollution to adjoining properties given that the flanks of buildings are so close to neighbouring properties which have gardens which are small.

The use of low lumen bulbs (7W est c.500 lumens) in the up/down wall lights would conform with the Institute of Lighting Professionals Guidance Note 9/19 'Domestic exterior lighting: getting it right!" guidance. These lights are on the flank of Plot 1, and rear and northern flank and front of Plot 2, the northern flank of Plot 3 and the rear of Plot 3. These also appear on the flank and rear of Plot 6, 5 and 4. It is considered that these would not adversely affect adjoining properties.

The bollard lighting would be bright at 2000 lumens, which is bright, but given the position and low height and solid top means that upward light pollution would not occur, and it would be unlikely to cause nuisance to nearby residential properties. These are positioned on the path entrances to plots 1 and 6, to the front gardens of Plots 2 and 5, and to the front paths of Plots 3 and 4. The positions of these lights are considered acceptable.

The bulkhead lighting for plots 4, 5 and 3 face neighbouring properties and were submitted at 1250 lumens, which is above the range recommended by the Institute of Lighting Professionals. The agent was asked to lower this light level for these lights and amended plans were submitted. These lights will be now be 900 lumens and positioned in the entrance porches of Plots 1, 3, 4, 5 and 6. The lowered lumens will no longer cause significant light pollution and the details are now considered acceptable.

The landscaping plan shows the position of the lighting.

The revised details are considered satisfactory.

It is considered acceptable to discharge condition 15.

Other Matters

It is noted that Environmental Health requested a working hours condition. This is already imposed as condition 16 of the host consent.

It is noted that the Ecologist requested swift bricks. It was pointed out that these are bungalows and therefore it is not applicable to condition swift bricks on single storey dwellings.

Conclusion

Discharge all conditions.

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.