

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-0904-24 **Applicant:** Mr & Mrs T Waltham

Proposal: Details of schedule of materials for hard surface areas, scheme to deal with contamination, storage & disposal of refuse & recycling, foul & surface water disposal, scheme of construction management, boundary treatments & landscaping & tree planting (Conditions 4, 6, 7, 9, 10, 11 & 13 of H08-0861-23)

Location: Land Between 10 & 12 Risegate Road Gosberton Risegate Spalding

Terminal Date: 24th December 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
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks to discharge Conditions 4, 6, 7, 9, 10, 11 and 13 of H08-0861-23. Amongst other matters, these Conditions concern: details of materials for hard surface areas, scheme to deal with contamination, storage & disposal of refuse & recycling, foul & surface water disposal, scheme of construction management, boundary treatments & landscaping.

Site Description

The site is within the settlement boundaries of Gosberton Risegate, as outlined within the South-East Lincolnshire Local Plan, 2019. Gosberton Risegate is a nucleated settlement, with primarily frontage development. That being said, there are several examples of back land development throughout the settlement.

The plot is currently a disused, former industrial site. Hardstanding covers the northern forecourt, while a former commercial building is located to the south. Large leylandii hedging borders the site. To the immediate west is a car repair garage, while to the south and east are residential dwellings. Along the eastern border is a large yew tree, subject to a Tree Protection Order (TPO).

Relevant History

H08-0861-23 - Full. Demolition of redundant commercial building and erection of 2 dwellings. Approved 31/5/24.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Highway and Lead Local Flood Authority

"ADDITIONAL INFORMATION REQUIRED Condition 11 - In terms of the front boundary treatment at the highway boundary - this shall not exceed 0.6m in height"

Environmental Protection

"no concerns regarding Construction management plan"

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Condition 4

Condition 4 reads as follows:

"Before the commencement of the development hereby permitted beyond oversite a schedule of the materials to be used for 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."

Both dwellings would have a rear patio area, constructed of porcelain paving slabs. The driveways

and turning points would be gravelled, using golden gravel, to a depth of between 20 and 50mm, laid over 150mm of class 1 hardcore. This would be laid on a geotextile membrane.

Given the constraints of the site, including the protected tree, the proposed schedule of hard surfacing is considered appropriate.

Condition 6

Condition 6 reads as follows:

"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."

The submitted details indicate that further on-site investigations are required in order to confirm the nature and extent of contamination, as well as to determine what remediation method is appropriate. Accordingly, it is considered that the proposal satisfies the requirements of part i of Condition 6, with parts ii, iii and iv remaining outstanding.

Condition 7

Condition 7 reads as follows:

"The development hereby permitted shall not be commenced before details of the means of storage and disposal of refuse and recycling, as well as appropriate management and maintenance, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of relevant dwellings and shall thereafter be retained.

Note: For residential development, reference should be made to the Council's published PRIVATE DRIVES - WASTE VEHICLE COLLECTION SERVICE - GUIDANCE NOTE when submitting these details."

The submission shows two refuse collection areas, one for each dwelling, located adjacent to the site access point. The refuse collection point for Plot 1 is located approximately 50 metres from the dwellinghouse. This does contravene the 30 metre carry distance outlined within the aforementioned guidance note. However, said note is strictly guidance, and therefore, the weight attributed to this is limited. Only one dwelling would be affected by this increased carry distance and not to such an extent as to be detrimental to residential amenity.

The refuse storage areas would be suitably screened, by both proposed and existing hedges, reducing the character impacts of their placement. In any event, refuse sack storage is already the primary means of refuse disposal in the village, and as such, the installation of these storage areas would not be out of keeping.

As such, it is considered that Condition 7 has been satisfied.

Condition 9

Condition 9 reads as follows:

"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."

With respect to surface water disposal, the supporting statement outlines that water will discharge via soakaways, in the form of soakaway crates. These shall be located in the front and rear garden of each plot. These are considered to be appropriately positioned given the scale of the development.

Turning to foul water, within the supported document it is stated that the waste would be disposed of by a treatment plant, then treated water distributed via suitably designed soakaways. The treatment plants will be located within the rear garden of each plot. This is considered to be an appropriate strategy given the constraints of the site.

As such, it is considered that Condition 9 can be discharged.

Condition 10

Condition 10 reads as follows:

"A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved.

It shall also include a tree protection plan, to ensure the preservation of the adjacent protected specimen."

The submitted construction management plan, while relatively limited in detail, appears acceptable given the scale of the proposed works. The details provided appear to secure the necessary protection for nearby residents and for the protection tree adjacent to the site.

Condition 11

Condition 11 reads as follows:

"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."

The submitted landscape plan details a 2.1 metre high close boarded fence would be installed along the east and west boundaries, as well as at the boundary between plots 1 and 2. Along the southern boundary would be a 1.2 metre high close boarded fence.

Cross section drawings have been provided to show that the submitted arrangement is acceptable.

The highway authority have also raised concerns regarding the height of the proposed frontage boundary treatments, citing visibility concerns. However, as this is a hedge, and could reasonably grow out without the need for planning permission, it would be inappropriate to resist the application on this basis.

As such, it is considered that sufficient details have been submitted to discharge Condition 11.

Condition 13

Condition 13 reads as follows:

"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 4.0 (or any successor)."

The submitted landscape plan shows a 1.8 metre high native hedge along the southern boundary. Sporadic, low-level planting is proposed throughout the site.

While no metric has been submitted, it is clear that net gain has been achieved on site. As such, it is recommended the condition 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.

Conclusion

The submitted details suitably meet the requirements of Conditions 4, 6i, 7, 9, 10, 11 & 13.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.