

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-0196-23 **Applicant:** Stinders Homes (SPV2) Ltd.

Proposal: Details relating to contamination & drainage - (Conditions 6, 7 & 12 of H11-1264-18 and construction management plan (Condition 5 of H11-0552-22)

Location: Four Acres 36 Lime Walk Long Sutton

Terminal Date: 25th April 2023

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

02 Development Management
03 Design of New Development
04 Approach to Flood Risk
30 Pollution

National Guidance**National Planning Policy Framework 2021**

Section 2. Achieving sustainable development.
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
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1

RESIDENTS	2	0	0	0
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CASE OFFICER ASSESSMENT

PROPOSAL

This application is to discharge details relating to contamination & drainage (conditions 6, 7 & 12 of H11-1264-18), plus the construction management plan (condition 5 of H11-0552-22).

SITE DESCRIPTION

The application site (approximately 2.24ha) is agricultural land situated on the eastern side of Lime Walk. A row of trees, plus a drain, front the site.

A house (no. 36 Lime Walk) is situated to the north-west and an estate (Anfield Road/Magpie Close) to the south-west. A play area is situated to the east and residential properties off John Swain's Way to the south-east. Agricultural land is located to the north-east (allocated housing site ref. Los008) beyond a public footpath.

HISTORY

H11-1264-18 - Outline - Proposed residential development (up to 70 dwellings) - Approved 7 November 2019.

H11-0552-22 - Reserved Matters - Erection of 70 Dwellings - outline approval H11-1264-18 - Approved 16 December 2022.

H11-0994-22 - Full - Residential development comprising 56 dwellings (Phase 2 on land to north) - Refused 9 June 2023.

H11-0383-23 - S73 - Proposed Residential Development - up to 70 dwellings - approved under H11-1264-18. Modification of Condition 11 to allow for a temporary access road into the site for construction traffic & deliveries rather than only the first 60 metres of estate road to be constructed before any dwelling is commenced - Under consideration.

H11-0563-23 - Modified S106 - Modification of 106 Agreement relating to Affordable Housing (planning approval H11-1264-18) - Under consideration.

CONSULTATION RESPONSES

LCC Highways/SUDs

Amended plans received 28 July 2023.

No objections on highway grounds.

SHIDB

Amended plans received 28 July 2023.

No objections to discharge of conditions. Temporary access licence completed 23 June 2023. Land drainage consent required under Byelaws 3 (discharge of water to a watercourse) and 10 if works within 9 metres of watercourse, plus Section 23 of the Land Drainage Act, 1991 (alteration of a watercourse), including works to the access culvert.

Environmental Protection

Contamination - Recommend discharge of condition 7 of H11-1264-18 in full.

Noise - Ensure the position of the materials store and silos is suitably protected, and vehicle movement in this area minimised, to protect amenity of adjacent properties.

Public

Resident objection received (main points summarised):

- Temporary access located in position where it will cause a serious traffic accident. Lime Walk is an extremely busy road and is unlit. Access point is a blind spot on the road. Large vehicles will have to drive onto footway opposite, endangering pedestrians. Debris on road.
- Health and safety concerns regarding temporary access. Public footpath and not an access road to development site. Unsafe and unacceptable because next to a public footpath.
- Temporary access to be constructed over an IDB drain that is not designed to have vehicles cross over it. If it collapses it will cause serious flooding issues.
- If developer wishes to use Lime Walk as an access they will need to built the new bridge first as part of previously approved access.
- Temporary access road should be removed and re-instated once new entrance constructed.
- Removal of shrubs and foliage at entrance will have devastating environmental impact upon the area.

PLANNING CONSIDERATIONS

H11-1264-18

Condition 6 (Drainage) - Foul water would be disposed of via the mains sewer. Anglian Water has indicated that the foul strategy is acceptable. Surface water details are addressed under condition 12.

Condition 7 (Contamination) - The application is accompanied by a Ground Investigation Report. It states that "the soils encountered in the trial pits did not show any visual or olfactory signs of contamination. Additionally, the surrounding land shows good healthy grass cover and mature trees. Considering all these factors, along with the rural history of the area and the present surrounding land uses, it is not considered that the site is chemically contaminated." Environmental Protection recommends discharge of condition 7 in full, subject to an informative that they be consulted should contamination be identified during construction.

Condition 12 (Surface water drainage) - A SUDs system would be utilised with a surface water outfall (2l/s - greenfield rate) to a South Holland Internal Drainage Board maintained and owned watercourse (K16 Luton Eau) adjacent the western boundary of the site. This will require separate land drainage consent from the SHIDB under their Byelaw 3, along with alterations to the watercourse, etc. Amended surface water drainage plans have been submitted as a result of issues raised by the Lead Local Flood Authority and the SHIDB and following discussions between the applicant and latter. Both now consider the latest details to be satisfactory.

H11-0552-22

Condition 5 (Construction management plan) - A temporary 5 metre wide access road (stone aggregate) with 45 degree splays at its entrance would be constructed for all deliveries and site vehicles until such time as the applicant is in a position to commence the main entrance road. In terms of the latter, the necessary agreements are still being finalised with both the County Highways Authority and the South Holland Internal Drainage Board. The adjacent public footpath would be cordoned off from the temporary roadway and site by 1.8m high Heras fencing for health and safety reasons. A compound and car parking area would be provided in the south eastern corner and a significant proportion of the materials to be used for Phase 1 are already on site. Magpie Close would only be used by light traffic or in an emergency. The highway would be swept daily by machine. LCC Highways have raised no objections subject to the temporary access road being removed upon completion of the new entrance road off Lime Walk.

Working hours on site would be between 7.30am to 5pm Mon-Fri and between 8am and 2pm on Saturdays, with no working on Sundays. The plan includes mitigation measures in respect of noise, vibration and dust. Environmental Protection has raised no objections subject to the materials store and silos being suitably protected and vehicle movement minimised in this area to protect the amenity of adjacent properties. In respect of this matter, the majority of the materials to be used for

Phase 1 have already been delivered on site and the area is fenced off by 1.8m high Heras fencing. The southern boundary of the site is delineated by close boarded fencing and the silos are not immediately behind any dwellings off Magpie Close.

Concern has been raised on environmental grounds to removal of vegetation to accommodate the temporary access roadway. However, it is not protected so can be removed without consent. The developer has obligations under the Wildlife and Countryside Act, 1981, to ensure that any works do not adversely affect protected species (including nesting birds, Barn Owls, etc).

CONCLUSION

The submitted details are in general accordance with Policies 2, 3, 4 and 30 of the South East Lincolnshire Local Plan, 2019.

That conditions 6, 7 & 12 of H11-1264-18 (contamination and drainage) and condition 5 of H11-0552-22 (construction management plan) be discharged.