DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0254-21**	**Applicant:**	**Mr Wilson**
Proposal:	Details of scheme to deal with contamination, boundary treatment, means of foul water disposal and storage and disposal of refuse and recycling (Conditions 4, 6, 16 and 19 of H16-0193-19)		
Location:	Land South East Of Littleworth Drove Lucks Bridge		
Terminal Date:	21st December 2021		

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
06	Developer Contributions
11	Distribution of New Housing
19	Rural Exception Sites
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPF 2021.

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

CASE OFFICER ASSESSMENT

Proposal

CONDITION COMPLIANCE. Details of scheme to deal with contamination, boundary treatment, means of foul water disposal and storage and disposal of refuse and recycling (Conditions 4, 6, 16 and 19 of H16-0193-19).

Site Description

The site area is 0.8 ha, and is rectangular in shape. It is currently vacant land once used for horticulture. The entrance to the site has close board fencing to the sides of existing dwellings, and along the frontage to secure the site. Trees and/or hedges are growing along the boundaries of the site, some of which are of high amenity value. The state of the land is currently overgrown. Two storey detached dwellings front the proposed site with open land to the north and south and agricultural land to the east. South Drove Drain runs to the south west of the site beyond South Drove, while Fantail Mill Drain runs immediately to the east.

History

H16-0263-21 - SEC 73 MODIFICATION. Residential Development 9 x 1.5 storey houses - approved under H16-0193-19. Removal of Conditions 13, 14 and 15 relating to access roads and drainage. UNDER CONSIDERATION.

H16-1179-20. RESERVED MATTERS. Erection of 9 dwellings - outline approval H16-0193-19. UNDER CONSIDERATION.

H16-0193-19. SEC 73 MODIFICATION. Residential development - 9 x 1.5 storey houses - approved under H16-0621-17 - Removal of Condition 4 to remove the 1.000 square metre floor space element of the condition. APPROVED. 23-04-19.

H16-0621-17. OUTLINE. Residential development - 9 x 1.5 storey houses. APPROVED. 11-01-18.

Consultation Responses

SHDC Environmental Services

"As far as I can see, the proposals for this development includes a collection point from where the new road joins with South Drove. I believe that South Drove is an adopted road, whereas this development will remain a private roadway and therefore not accessible by our refuse vehicles. In principle a collection point would be the way to ensure we could collect the waste from these properties, however in this instance there are many difficulties with this proposal including;

- Size of scheme which would result in build-up of large volumes of waste presented at the collection point
- Length of roadway that will mean residents have to carry waste over 30m, as stated on the plans
- Proposal to provide flat beds for waste transportation is problematic and we would be interested to understand who will be responsible for maintenance and replacement of these
- Collection points can be challenging at best of times for early presentation and which scheme of this size that risk seems to be higher than usual
- Therefore there is likely to be a negative impact on the locality including current neighbours and those passing this collection point"

SHDC Environmental Protection

Have reviewed the Agricultural and Environmental Business Consultants 'Desk top study (phase 1) report Land of Lucks Bridge Spalding Common Spalding PE11 3AY' dated 20/12/2020 and am unable to recommend discharge of condition 4 of H16-0193-19 at this time.

The report does not present sufficient factual information to support development of a representative conceptual site model. I strongly suggest that any future reports submitted take note of the guidance given in the LCRM, S10175:2011:A2:2017 and YALPAG 'Development on Land Affected by Contamination Guidance'.

LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

Conditions 4, 6, 16 and 19 of H16-0193-19 concern matters that are outside of the jurisdiction of the highway authority and the lead local flood authority. Therefore, Lincolnshire County Council does not wish to object to this planning application.

Welland and Deepings Internal Drainage Board

The Board's Fantail Drain bounds the site to the east and is afforded the protection of a nine metre byelaw distance. This is a critical watercourse which will potentially be accessed twice a year by the Board's machinery; because of this nothing permanent will be accepted by the Board within the nine metre easement strip. This includes, but is not limited to, buildings, structures, sheds, fences, hedges, trees, landscaping etc.

Any future homeowners should be made aware of the Board's requirement for no obstructions within the nine metre easement strip, ideally within the property deeds.

On the strict understanding that future homeowners in perpetuity are made aware of the Board's access requirements, happy to lift my previous objection made under H16-1179-20 dated 3rd February 2021.

Planning Considerations

Condition 4 - Contaminated Land Scheme

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) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures:

i) a desk-top study 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). Two full copies 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, a 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 new use. Two full copies 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 requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme. 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 suspect contamination has been submitted to and agreed in writing by the LPA.
iv) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Note

The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.
The applicant's attention is also drawn to the document entitled "Developing Land Within Lincolnshire - A guide to submitting planning applications to develop land that may be contaminated", which can be obtained through the Local Environmental Health Department.

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 Policies 2 and 3 South East Lincolnshire Local Plan 2019 and national guidance contained in the National Planning Policy Framework, 2019.

The response of the SHDC Environmental Health Officer is set out above. The details submitted are insufficient and this condition should not be discharged.

Condition 6 - Details of Boundary Treatment

Prior to its installation, details of the proposed boundary treatment, including a schedule of 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.

Reason: 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 Policy 2 of the South East Lincolnshire Local Plan 2019.

The boundary treatments proposed are considered to be adequate.

Condition 16 - Foul Drainage Details

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 details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained and to avoid pollution.
This Condition is imposed in accordance with Policies 2 and 3 South East Lincolnshire Local Plan 2019.

The foul drainage details are considered to be adequate.

Condition 19- Details of Refuse Storage

Details of the means of storage and disposal of refuse and recycling shall be submitted to and be approved by the Local Planning Authority and the development shall not commence in advance of that approval. The approved scheme shall be fully implemented and thereafter be retained.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set. 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 and 3 South East Lincolnshire Local Plan 2019.

This application proposes a collection point from where the new road joins with South Drove, which is an adopted road, whereas this development would remain a private roadway and therefore not accessible by SHDC refuse vehicles. In principle a collection point would be the way to ensure SHDC could collect the waste from these properties, however in this instance there are many difficulties with this proposal including;

- Size of scheme which would result in build-up of large volumes of waste presented at the collection point

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- Therefore there is likely to be a negative impact on the locality including current neighbours and those passing this collection point.

The refuse collection details are inadequate and should not be approved.

Conclusion

Refuse, for the reasons set out above.

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.