

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H16-0817-23	Applicant:	Scenic Homes Ltd
Proposal:	Details of external materials, landscaping and tree planting, contamination of land or pollution of controlled waters, proposed boundary treatments, storage and disposal of refuse and recycling, Construction Management Plan and Method Statement, communal space and cycle racks (Conditions 5, 6, 7 (i) and (ii), 9, 10, 11, 12 and 13 of H16-0523-22)		
Location:	Land Off Roman Bank Spalding Lincolnshire		
Terminal Date:	11th December 2023		

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 5 Delivering a sufficient supply of homes
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	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The proposal relates to the discharge of conditions relating to external materials, landscaping and tree planting, contamination of land or pollution of controlled waters, proposed boundary treatments, storage and disposal of refuse and recycling, Construction Management Plan and Method Statement, communal space and cycle racks (Conditions 5, 6, 7, 9, 10, 11, 12 and 13 of H16-0523-22).

The application is accompanied with a Construction Management Plan, an External Materials Plan, a Landscaping and Boundaries Treatment, a Maintenance Responsibilities Plan, A Management Plan and Phases 1 and 2 Geo-Environmental Investigation and Assessment Reports dated January 2023.

Site Description

The application site lies to the north-eastern side of Spalding near to the town centre, between Roman Bank and the adjacent River Welland, well within the Defined Settlement Limit.

The application site lies off Roman Bank, a side road off one of the main routes into Spalding. The proposed development will develop an unused area of scrub land. The site is relatively flat with little or no existing landscape features. This proposal seeks to amend the design of the previously approved scheme. The site sits in between 3 storey houses and 3 storey retirement homes at the rear of the site next to the River Welland. The element of the site fronting Roman Bank already has 6 apartments constructed as part of the previously approved scheme for 18 flats. This site sits behind those apartments. Three storey developments in this location are typical of the area.

History

H16-0411-05 - Outline - Redevelopment of Site for Residential - Approved 6 June 2005.

H16-0487-06 - Residential development comprising 8 dwellings (Outline application H16-0411-05)
Approved 10.07.06

H16-0538-07 - Residential development comprising 18 flats and associated works - Refused
09.07.07

H16-1031-07 - Residential development of 18 flats and associated works (outline H16-0411-05)
Approved 25.09.07

H16-0179-08 - Details of Archaeological Report (Condition 5 of H16-0411-05) - Approved 04.03.08

H16-0303-08 - Details of Contaminated Land Study (Parts A, B and C of condition 7 of H16-0411-05)
Approved 7.7.08

H16-1651-07 - Details of Rainwater goods, external doors and window frames (Conditions 4, 6 and 7 of H16-1031-07).
Approved 18.03.08

H16-0166-08 - Details of external illumination, existing and proposed site levels and means of enclosure
(Conditions 3, 10 and 11 of H16-1031-07) - Approved 18.3.08.

H16-1074-08 - Details of affordable housing (Condition 6 of H16-0411-05) - Undecided - decision due 5.12.08

H16-1062-17 - Residential development of 12 one-bedroom apartments. Approved 3.08.18

Consultation Responses

SHDC Environmental Protection

No concerns re: Construction Management Plan.

In terms of contamination: I have reviewed the Elemental GI Ltd report 'PHASE 1 GEO-ENVIRONMENTAL ASSESSMENT FOR SITE OFF ROMAN BANK, SPALDING' Project No: E22209 Ref No: E22209/1/0 Date: Jan.2023 and am in general agreement with the findings. I therefore recommend discharge of part i of condition 7 of H16-0523-22.

I have reviewed the Elemental GI Ltd report 'PHASE 2 GEO-ENVIRONMENTAL INVESTIGATION FOR SITE OFF ROMAN BANK, SPALDING' Project No: E22209 Ref No: E22209/2/0 Date: Jan. 2023. The report identified elevated levels of asbestos, metals and poly aromatic hydrocarbons in the made ground soils and recommends remediation to protect future site users. The report identified an area of hydrocarbon contamination in the area of WS4. Only one soil sample was analysed and this did not identify elevated levels in this context, however the report noted that there was a noticeable hydrocarbon odour in the ground water in this location and in other locations. The potential pathway of vapour arising from groundwater impacting on the future residents has not been considered. Three ground gas monitoring visits were undertaken which showed slightly elevated levels carbon dioxide. However, WS04 was not a monitoring location. The report suggests that a solution to those two points above would be to install a hydrocarbon vapour membrane. It would be my preference to see sampling of the groundwater and further ground gas monitoring to characterise the site further and demonstrate that the proposed remedial solution is appropriate in this instance, and to consider the potential for impact to controlled waters. I feel these works could be considered as part of a remedial design phase, and therefore recommend discharge of part (ii) of condition 7 of H16-0523-22, with part (iii) NOT being discharged and condition 8 remaining outstanding. Please pass my comments to the applicant and I look forward to receiving the remediation method statement in due course.

Highway and Lead Local Flood Authority

No objection:

The details on the submitted Construction Management Plan drawing are satisfactory and therefore the highway authority does not wish to object to the discharge of Condition 11.

Anglian Water

No comments.

Pedals

Initial Response

The notation for the bike storage on drawing 562.LBT.01 is only diagrammatic. More details are needed of the design, location and security of the bike storage to enable the Council to consider compliance with condition 13 of H16-0523-22.

Subsequent Response

No objection to the design of the cycle storage. Condition 13 of H16-0523-22 requires more details of the location of the cycle store to be submitted - this appears to be missing from the present submission.

Planning Considerations

Condition 5

Condition Wording

"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.

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 Details

Drawing 562.EMP.01 lists the materials to be used as Weinerberger Calderdale Edge Light Grey, Boarding in Central Lap wood effect boarding, in grey, and Vandersanden Linebloem bricks. Windows and doors are to be in white, soffit and fascia, meter boxes are to be white, and rainwater goods are to be half round gutters with round downpipes in black.

These details are considered satisfactory and this condition can therefore be discharged.

Condition 6

Condition Wording

"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 3.1 (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 Details

The 562.LBT.01 Landscaping and Boundary Treatments Plan shows grass at the rear of the block facing the river, buff riven paving slabs around the block itself, a tarmac drive, a hedge, shrub planting and 2 trees separating the parking spaces. The species are Sorbus 'Joseph Rock', Ceanothus 'Skylark' and Osmanthus heterophyllus. These details are considered satisfactory and this condition can be discharged.

Condition 7 (i) and (ii) only

Condition 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 (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.

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 Policy 30 of the South East Lincolnshire Local Plan, 2019."

Condition Details

In their response Environmental Protection was satisfied with the details associated with Condition 7(i) and (ii) but wanted further details in relation to condition 7(iii). Therefore Conditions 7 (i) and (ii) can be discharged only, but 7 (iii) need to remain undischarged.

Condition 9

Condition Wording

"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.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.

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

Condition Details

The 562.LBT.01 Landscaping and Boundary Treatments Plan shows the existing fence to the southern and northern boundary retained. The western boundary is landscaped with grass and to be kept open. Levels and materials are therefore unchanged. These details are considered satisfactory and this condition can be discharged.

Condition 10

Condition Wording

"Prior to occupation of the development, details of the means of storage and disposal of refuse and recycling shall be submitted to and be approved by the Local Planning Authority. The approved scheme shall be fully implemented before any flats are occupied and shall 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 Policy 30 of the South East Lincolnshire Local Plan, 2019."

Condition Details

12 Double bin stores are shown on drawing 562.LBT.01 at the rear of the block together which show general and recycling waste. These details are considered satisfactory and the condition can therefore be discharged.

Condition 11

Condition 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 the adverse impacts of vehicle activity and means to manage the drainage of the site during the construction stage of the permitted development. It shall include:

- the phasing of the development to include access construction;
- the on-site parking of vehicles of site operatives and visitors;
- the on-site loading and unloading of plant and materials;
- the on-site storage of all plant and materials used in constructing the development;
- wheel washing facilities as appropriate;
- measures to minimise the impact of noise, dust, vibration and smoke during the construction period.

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

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

Condition details

A construction management plan was submitted which shows a controlled access in and out of the site, site welfare facilities, a materials storage and lay down area, and parking for site vehicles. Environmental Protection raise no concerns with the plan. The Local Highway Authority have no objection and consider that the submitted Construction Management Plan drawing is satisfactory and therefore the highway authority does not wish to object to the discharge of Condition 11.

In view of the fact neither Environmental Protection or the Local Highway Authority do not object to the details, they are considered satisfactory and the condition can be discharged.

Condition 12

Condition Wording

"Prior to occupation of the development, a management plan for the areas of communal space including the marking areas, courtyard and areas of incidental landscaping including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority. The management of these areas shall be carried out in accordance with the details so approved.

Reason: To ensure that adequate provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the communal and refuse areas.

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

Condition Details

A Management plan has been submitted dated August 2023 including a landscape management plan setting out management responsibilities and maintenance schedules. The drawings on which the management plan is based is the Hard and Soft Landscaping Details and Boundary Treatment Plan 562.LBT.01 and Maintenance Responsibilities Plan 562.MRP.01.

These details are considered satisfactory and this condition can be discharged.

Condition 13

Condition Wording

"Prior to the occupation of the development hereby permitted 12 cycle racks (either wall mounted, sheffield stands or similar, or vertical cycle parking) shall be provided in the vicinity of the building of a design and in positions which shall be approved in writing by the Local Planning Authority.

Reason: To ensure that adequate secure facilities are provided for cyclists using the site.

This Condition is imposed in accordance with Policy 36 of the South East Lincolnshire Local Plan, 2019."

Condition Details

Three bike storage locations are shown on plan 562.LBT.01 (Landscaping and Boundary Treatments Plan) and the design details indicate 4 galvanised steel semi-vertical cycle racks are to be positioned at the front of the block. An objector stated that the location of the bike storage is not shown but in fact the locations of the three bike storage areas are shown on plan 562.LBT.01

The details are satisfactory and this can be discharged.

Conclusion

The proposed details are considered satisfactory and as such it is concluded that the details can 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.