

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1089-22 **Applicant:** Centric Homes Ltd

Proposal: Details of contamination of land and pollution of controlled waters, landscaping, proposed boundary treatments and foul and surface water disposal. (Conditions 3, 5, 6 and 7 of H16-1333-21)

Location: 2a Carrington Road Spalding

Terminal Date: 29th June 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

- 5 - Delivering a sufficient supply of homes
- 12 - Achieving well-designed places
- 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Condition Compliance application for details of contamination of land and pollution of controlled waters, landscaping, proposed boundary treatments and foul and surface water disposal. (Conditions 3, 5, 6 and 7 of H16-1333-21) at 2a Carrington Road, Spalding.

SITE DESCRIPTION

The site is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and designs. The dwelling has a 1.8 metre high fence at the northern boundaries with 4 Carrington Road and Wildwood Lodge. A 1.8 metre high fence is at the western boundary with Millgate Lodge. A 1.8 metre high fence is located at the southern boundaries with 192 to 208 Winsover Road. Currently no boundary is present with 2 Carrington Road to the west, however, a row of hedging is proposed adjacent to the proposed garden for 2 Carrington Road. The site is in Environment Agency Flood Zone 3 and is not subject to increased hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H16-0960-18

Full - Erection of bungalow, including the demolition of existing industrial premises - Refused - 26 November 2018 - Allowed on appeal - 23 August 2019.

H16-1333-21

Section 73 Modification - Erection of bungalow, including the demolition of existing industrial premises - approved under H16-0960-18 - Allowed on Appeal. Modification of Condition 2 to allow amendments to previously approved plans - Approved - 23 February 2022.

CONSULTATION RESPONSES

South Holland District Council - Environmental Protection

"I have reviewed the Georisk Management Limited 'PHASE I DESK STUDY LAND TO THE REAR OF 2 CARRINGTON ROAD SPALDING, PE11 1LY' ref 22284/1 rev 1 FINAL and am in general agreement with the findings. I therefore recommend discharge of conditions 3 & 4 of H16-1333-21."

Welland & Deepings Internal Drainage Board

No comment.

PLANNING CONSIDERATIONS

Compliance with Condition 3 of H16-1333-21 - Contaminated Land Scheme

Condition 3 states:

"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."

The Environmental Protection Officer is content with the findings of the submitted desk study and recommends discharge of Conditions 3 and 4.

Condition 3 has now been addressed.

Compliance with Condition 5 of H16-1333-21 - Landscaping Detail - Full

Condition 5 states:

"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 3.0 (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."

A new garden space to the rear of 2 Carrington Road is to be created with a hedge boundary. Conifer hedging on the southern side boundary is to be removed to allow for an access width acceptable to the Highways Officer. The overgrown shrub at the side garden area of 2a Carrington Road is to be removed to create a garden area. Given the cramped nature of the site, allowed on appeal, it is considered that this relatively sparse level of landscaping is acceptable for the site.

Condition 5 has now been addressed.

Compliance with Condition 6 of H16-1333-21 - Details of Boundary Treatment

Condition 6 states:

"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."

The existing timber fencing along the boundaries of the site is to remain in place, with the existing conifer hedging along part of the southern side boundary to be removed to facilitate an access width acceptable to the Highways Officer.

Condition 6 has now been addressed.

Compliance with Condition 7 of H16-1333-21 - Full Details of Drainage

Condition 7 states:

"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.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021."

An attenuation crate soakway is to be located to the northern side elevation of 2a Carrington Road with foul drainage addressed by mains sewer. The proposed methods of drainage are considered to be appropriate for the site.

Condition 7 has now been addressed.

CONCLUSION

Conditions 3, 5, 6 and 7 of H16-1333-21 are considered to have been satisfactorily addressed. This application is recommended for approval.

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.