DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-0603-22**	**Applicant:**	**Mr M Yould**
Proposal:	Details of arrangement for private refuse/recycling collection, scheme to deal with contamination, boundary treatments to Plots 1, 6, 7 & 8 and means of surface water disposal (Conditions 4, 5, 6, 8 & 9 of H17-0810-21)		
Location:	72 Station Road Surfleet Spalding		
Terminal Date:	11th August 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

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	3

CASE OFFICER ASSESSMENT

Proposal

CONDITION COMPLIANCE APPLICATION - Details of arrangement for private refuse/recycling collection, scheme to deal with contamination, boundary treatments to Plots 1, 6, 7 & 8 and means of surface water disposal (Conditions 4, 5, 6, 8 & 9 of H17-0810-21).

Additional information was submitted to give greater detail to refuse/recycling arrangements and to contaminated land remediation.

Site Description

As host consent.

History

H17-0810-21. FULL. Residential Development of 9 Dwellings - re-submission of H17-0701-20. APPROVED 24-12-21

H17-0673-20. FULL. Change of use of land from agricultural to domestic garden for Plots 1-5. Approved 30-10-20.

H17-0053-20. FULL. Residential development of 5 no. detached dwellings. Approved 04-06-20.

H17-0149-19. RESERVED MATTERS. Erection of 5 detached dwellings (Outline Approval H17-0563-16). Approved. 04-04-19.

H17-0563-16. SEC 73 MODIFICATION. Residential development - approved H17-0798-15 - Removal of Condition 6 relating to affordable housing. Approved. 09-08-16.

H17-0798-15. OUTLINE. Residential development. Approved. 02-03-16

Consultation Responses

SHDC Environmental Protection

Noise - No objection to condition compliance.

Pollution - Have reviewed the AF Howland Associates Limited report 'A remediation method statement and validation plan to support the construction of a residential development at: Land adjacent to 72 Station Road, Surfleet' ref TJS/22.067/RMS dated 22 July 2022 and in agreement with the proposals. Recommend discharge of 5 of H17-0810-21 in full with condition 6 remaining outstanding. Look forward to receipt of the validation report in due course.

SHDC Environmental Services

We have no issues with this as a private company will be collecting the waste from there. If the collections do ever fall on us to collect there would need to be a collection point next to the public highway for us to collect.

LCC Highways and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the submitted details are satisfactory, in as much as

they would not be expected to adversely impact upon the operation of the adjacent highway, and therefore does not wish to object to this planning application.

Welland and Deeping Internal Drainage Board

No further comments to make.

Planning Considerations

Condition 4

Prior to the occupation of any dwelling, full details of the arrangement for the private refuse/recycling collection shall be submitted to and approved in writing by the Local Planning Authority. The approved management arrangements shall be implemented upon first occupation of any dwelling and thereafter retained for the lifetime of the development.

No refuse/recycling shall be stored at and/or collected from the public highway access point at Station Road; all refuse/recycling shall be stored within the curtilages of the dwellings hereby approved.

Reason: This application has been approved on the basis that waste collection will be carried out by a private company and to ensure appropriate arrangements are in place for the collection of refuse/recycling.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

The initial details submitted have been augmented by greater detail, and provided the details are implemented as submitted, the details are acceptable.

Condition 5

The development hereby permitted shall not be commenced beyond over site 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 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 submitted details are now considered to be acceptable.

Condition 6

If remediation works impacting upon controlled waters has been identified as a result of investigation undertaken in accordance with Condition 5 above, a full copy of a verification report shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development. 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 objectives and criteria 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.

Reason: To ensure the satisfactory remediation of contaminated land and/or waters.
This Condition is imposed in accordance with Condition 30 of the South East Lincolnshire Local Plan, 2019.

The submitted details are now considered to be acceptable.

Condition 8

Prior to its installation, details of the proposed boundary treatments to Plots 1, 6, 7 and 8, 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 submitted details are now considered to be acceptable.

Condition 9

Before the commencement of the development hereby granted beyond oversite, full details of the means of surface 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, 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.

The submitted details are now considered to be acceptable.

Conclusion

Approve.

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.