

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H21-0986-23	Applicant:	A Trett
Proposal:	Details of site levels & floor levels, scheme to deal with contaminated land, foul & surface water disposal, scheme of landscaping & tree planting (including screening of bin collection points) & boundary treatments (Conditions 3, 4, 5, 6 & 7 of H21-0537-23)		
Location:	Land West Of 1 East Road Tydd Gote Wisbech		
Terminal Date:	2nd January 2024		

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
11	Distribution of New Housing
17	Providing a Mix of Housing
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Sections 2, 4, 5, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework (December 2023).

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This condition compliance application seeks to discharge conditions 3, 4, 5, 6 & 7 of H21-0537-23.

Those conditions read as follows:

Condition 3

Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Note: Site levels and finished floor levels have not been approved. 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: To reduce the risk of flooding of the 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 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

Condition 4

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 5

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.

Condition 6

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 7

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.

Site Description

As in host application

History

As in host application

Consultation Responses

Lincolnshire County Council as Lead Local Highways and Flood Authority

No objection:

The submitted details, in so far as their capacity to impact upon the safe operation or the capacity of the local highway network, are acceptable to the highway authority and therefore no objection is raised by the authority to the discharge of Conditions 3, 4, 5, 6 and 7 of H21-0537-23.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

North Level District Internal Drainage Board

No objections raised. Reminds the applicant that they shall need to apply for formal consent from the Board to drain foul and surface water into their Shire Drain.

SHDC Environmental Protection

Recommends discharge of condition 4 in full.

Planning Considerations

Condition 3

The proposed levels indicate that much of the site will remain untouched in terms of levels, although closer to the proposed property, ground levels will be raised by ~300mm, with the final finished floor levels to be ~300mm above that level, creating a total raise of ~600mm. The site as it stands sits substantially lower than neighbouring plots and similar raises have been permitted to the adjacent housing development. Resultantly, it is not felt that this proposal would lead to undue harm to nearby residential amenity, particularly because of the additional considerations, including; the distance of the proposed development from adjacent properties, and the lack of windows on the proposed development's easternmost facing elevation.

Furthermore, as the proposed levels would slope toward the drain to the north and the lack of objections from the local internal drainage board and LCC Lead local Flood Authority, it is not considered that there would be a harmful effect, via these proposed levels upon local surface water drainage.

Condition 4

The SHDC Environmental Protection Team were consulted on the included Phase 1 Geo Environmental Desk Study and raised no objections, recommending that Condition 4 be discharged. Therefore, this condition may be discharged.

Condition 5

The North Level District Internal Drainage Board were consulted on the proposed drainage details and presented no objections. Foul water is to be taken to the existing treatment plant which services the other recently constructed housing development on site. Surface water also to be taken to an existing outlet servicing the other properties on the site.

The Local Planning Authority finds no grounds upon which to object to these details and therefore, condition 5 may be discharged.

Condition 6

The applicant proposes no planting other than the proposed turfing of the rear gardens of the properties. Typically, this would not be permissible, as a failure to satisfy the requirements for Biodiversity NET Gain. However, in this instance, the proposed development is within a Drainage Board easement, where planting other than turf/grass is not permitted, in order to avoid adding to

drainage issues. Therefore, in this instance, the proposed scheme of planting is considered to be acceptable, and therefore, condition 6 may be discharged.

Condition 7

Due to the location of the site on a drainage board easement, no boundary treatments are permitted except for the metal handrail at the top of the bank which was included within the original application. The proposal for a handrail along the top of the bank is deemed to be acceptable and would have no material effect upon local residential amenity or the visual nature of the site and the proposed development. As such, it is considered that this condition may be discharged.

Conclusion

For the reasons listed above, this application is deemed to be in accordance with Policies 1, 2, 3, 4, 11, 17, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) as well as Sections 2, 4, 5, 9, 11, 12, 14, 15 and 16 of the National Planning Policy Framework (December 2023). Therefore, 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.