DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0048-24**	**Applicant:**	**H B Developments Ltd**
Proposal:	Details of storage & disposal of refuse & recycling, existing & proposed site levels & proposed floor levels, surface water disposal, foul water disposal, boundary treatments, ecological biodiversity & contamination of land or pollution of controlled waters (Conditions 4, 6, 7, 8, 10, 11 & 12 of H22-0017-23) - re-submission of H22-0931-23		
Location:	Plots Between 357-363 Broadgate Weston Hills Spalding		
Terminal Date:	13th March 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
05	Meeting Physical Infrastructure and Service Needs
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 5 - Delivering a sufficient supply of homes
Section 11- Making effective use of land
Section 12 - Achieving well-designed and beautiful 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
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application is to discharge conditions 4, 6, 7, 8, 10, 11 & 12 of H22-0017-23 (Details of storage and disposal of refuse and recycling, existing and proposed site levels and proposed floor levels, surface water disposal, foul water disposal, boundary treatments, ecological biodiversity & contamination of land or pollution of controlled waters).

Site Description

The site is located on Broadgate in Weston Hills. The site comprises a rectangular shaped plot, which is consistently level and located within agricultural land. The majority of the application site is located within the settlement boundary defined on the Local Plan proposals map for Weston Hills. The site is within the Environment Agency Flood Zone 3.

Broadgate, within the immediate setting of the application site, comprises a linear form of residential development, with residential properties consisting of single storey bungalows and two storey dwellings, fronting Broadgate to the eastern and western side of the highway, providing a continuity of development.

Located to the rear of these dwellings, along with the neighbouring residential properties to the eastern and western side of Broadgate, lies agricultural land, providing a clear rural setting and context with no back land development present.

History

H22-0017-23 - Outline - Residential development of 2 bungalows - Approved March 2023

H22-0769-23 - Reserved Matters - Residential development of 2 bungalows - outline approval H22-0017-23 - Approved October 2023

H22-0931-23 - Condition Compliance - Details of storage and disposal of refuse and recycling, existing and proposed site levels and proposed floor levels, surface water disposal, foul water disposal, boundary treatments, ecological biodiversity & contamination of land or pollution of controlled waters (Conditions 4, 6, 7, 8, 10, 11 & 12 of H22-0017-23) - Refused 13.12.2023

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

LCC Highways/SUDS

No objection: The matters covered by Conditions 4, 6, 7, 8, 9, 10, 11 and 12 do not impact upon highway safety or network capacity and therefore the highway authority does not wish to object to the discharge of those Conditions.

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.

Internal Drainage Board

Byelaw 3 (Surface Water)
I am pleased to see that initial testing shows that a drainage strategy reliant on infiltration is likely to be achievable on the proposed development, as evidenced within the infiltration testing document (dated 18/01/2024) submitted by the applicant. If for any reason a strategy wholly reliant on infiltration does not prove viable and a surface water discharge is proposed to a watercourse, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

Byelaw 3 (Treated Foul Water)
I note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991
I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10
There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Planning Considerations

The application is to discharge conditions 4, 6, 7, 8, 10, 11 & 12 of H22-0017-23 (Details of storage and disposal of refuse and recycling, existing and proposed site levels and proposed floor levels, surface water disposal, foul water disposal, boundary treatments, ecological biodiversity & contamination of land or pollution of controlled waters).

Condition Details

The conditions detail:

Condition 4

The development hereby permitted shall not be commenced before details of the means of storage and disposal of refuse and recycling, as well as appropriate management and maintenance, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of relevant dwellings and shall thereafter be retained.

Note: For residential development, reference should be made to the Council's published PRIVATE DRIVES - WASTE VEHICLE COLLECTION SERVICE - GUIDANCE NOTE when submitting these details.

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, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

Domestic waste and recycling are to be dropped at the roadside which is less than 30m from the permitted dwellings, to the roadside. The submitted details are considered adequate and can therefore be discharged.

Condition 6

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: 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 ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent 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, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

The submitted plans show that the proposed site levels will not be altered from the existing levels and the finished floor levels will be 300mm above ground level as per the recommendations within the Flood Risk Assessment.

The details submitted with regard to the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, are all considered to be acceptable therefore condition 6 can be discharged.

Condition 7

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.

Details have been provided, in that surface water would be discharged to soakaways, initial testing shows that a drainage strategy reliant on infiltration is likely to be achievable on the proposed development, as evidenced within the infiltration testing document (dated 18/01/2024) submitted by the applicant. The Internal drainage Board have raised no objections. As such condition 7 can be discharged.

Condition 8

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

The foul water is to be disposed to a main sewer, this is considered acceptable, and can therefore be discharged.

Condition 10

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.

To the northern boundary a 2m feather edge fence is proposed lowering to 1.2m when nearing the highway. To the eastern boundary a 1.2m post and rail fencing is proposed along with a new native species hedge running alongside the fencing. To the southern and south east boundary the existing hedging is to remain.

Taking all the above into the consideration the submitted boundary treatments are considered acceptable and therefore condition 10 can be discharged.

Condition 11

Before the commencement of the development hereby permitted beyond oversite full details of ecological biodiversity measures to be installed in conjunction with the development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be constructed and retained in accordance with the details so approved.

Note: Development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species such as the use of bat and barn owl roost boxes and integrating nesting opportunities into buildings. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species.

Reason: To ensure that the development is able to deliver a net gain in biodiversity.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2021.

The application proposes 34m of new hedging, along with the planting of one Wild Cherry Tree and one Acer Tree. The submitted details are considered to improve Biodiversity Net Gain on site and are satisfactory and it is suggested that the details associated with this condition can be discharged.

Condition 12

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.

Environmental Health have been consulted on this application and have confirmed that they are in general agreement with the findings and therefore have recommended the discharge of conditions 12 of H22-0017-23 in full.

Conclusion

The details in relation to these conditions (4, 6, 7, 8, 10, 11 & 12) are acceptable and 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.