DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H01-0007-25**	**Applicant:**	**713 Homes Ltd.**
Proposal:	Details of photographic building recording, Biodiversity Net Gain Plan and scheme to deal with contamination (Condition 7, 8 & 11 of H01-0509-23)		
Location:	Pumping Station Mill Drove South Cowbit		
Terminal Date:	3rd March 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

28	The Natural Environment
29	The Historic Environment
30	Pollution

National Guidance

National Planning Policy Framework December 2024

Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks to discharge Conditions 7, 8 and 11 of H01-0509-23. These conditions relate to details of photographic building recording, Biodiversity Net Gain Plan and scheme to deal with contamination

Site Description

The application site, to the west of Mill Drove South, forms part of a wider area of brownfield land, formerly used as a railway yard associated with the defunct line that ran through the site.

The land has been left unused for a number of years. The site of the proposed development is within Flood Zones 1 as shown on the Environment Agency's Flood Zone maps.

It is also noted that the site located to the north has also been subject to permission for residential development, with an ongoing proposal currently being considered by the Local Planning Authority.

Relevant History

H01- 0871-18 - Outline - Residential development - up to 45 dwellings, including re-alignment of Mill Drove to Stonegate Road junction - Approved 15.03.2019

H01-1170-22 - Outline - Residential Development - Approved 16.03.2023

H01-0509-23 - Full - Proposed Residential Development of Four Detached Dwellings - Approved 22.11.23

H01-0098-24 - Prior Approval App - Conversion of Barn to Dwelling - Approved 23.04.2024

H01-0076-24 - Discharge of Conditions - Details of written scheme of archaeological investigation, verification report & construction management (Conditions 4, 12 & 17 of H01-0509-23) - Discharged 26.03.2024

H01-0921-24 - Discharge of Conditions - Details of external materials of construction of buildings & hard surfaced areas, photographic building recording report, Biodiversity Net Gain Plan, scheme of landscaping & tree planting, contamination of land or pollution of controlled waters, surface water disposal, foul water disposal, site & floor levels, prevent the deposit of mud on public highways by vehicles travelling from the site during construction, frontage footway extended North to make connection at the access, with a suitable pedestrian crossing points with tactile paving to make connection with the existing footway on the opposite side of Mill Drove South & external boxes for gas & electricity supplies & of any gas flues & soil vent pipes (Conditions 3, 7, 8, 9, 11, 13, 14, 15, 18, 21 & 22 of H01-0509-23) - Refused 12.11.2024

H01-1045-24 - Discharge of Conditions - Details of external materials, landscaping & tree planting, means of surface water disposal, means of foul water disposal, existing & proposed site levels & proposal floor levels, boundary treatments, precautions to be taken to prevent the deposit of mud on public highways, frontage footway & paving and design & positions of all external boxes for gas & electricity supplies and any gas flues & soil vent pipes (Conditions 3, 9, 13, 14, 15, 16, 18, 21 & 22 of H01-0509-23) - Approved

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:

Environmental Protection

"I have reviewed report (investigation) by Ground Environmental Investigation Ltd, dated January 2024 with reference number 23-517 for Land at Mill Drove South, Cowbit. This report/ investigation has concluded that there are no significant sources of on-going contamination and concentrations of toxic metals and organic compounds were considerably below their respective soil guideline values as set out in the Category 4 Screen Levels. However samples BH1- 3 were not analysed but as these are located under the buildings and therefore any potential pollution linkage will be broken to the end user. Overall the report has highlighted no further action to be taken in regards to land contamination. I therefore can recommend that conditions 11 and 12 are discharged"

Historic Environment Officer

Initial comments, received 29/01/25:

"Thank you for consulting us on this. We appreciate the submission; however, the photographic study does not meet the required standards. This office previously recommended an equivalent

Level 2 historic building recording of the Cowbit Good Shed, in accordance with Historic England's Understanding Historic Buildings: A Guide to Good Recording Practice (2016). The submitted photographic study contains some incomplete and poor-quality images. Additionally, the report lacks written and drawn elements as outlined in the above guidance. Therefore, this office is not in a position to recommend discharge in full of condition 7 of H01- 0509-23 until amendments are made."

Further comments, following receipt of additional information, received 24/02/25:

"Thank you for consulting us on this. The submitted archaeological report meets the required standards, as a result we are in a position to recommend discharge in full of Condition 7 of H01-0509-23"

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Condition 7

Condition 7 reads as follows:

"Prior to commencement of the development hereby approved, a full photographic building recording of the site shall be carried out which contains:

1.A general view or views of the building in its wider setting.
2.The building's external appearance.
3.The overall appearance of the principal rooms and circulation areas.
4.Any external or internal detail, structural or decorative, which is relevant to the building's design, development and use, with scale where appropriate.
5.Any machinery or other plant, or evidence for its former existence.
6.Any dates or other inscriptions; any signage, makers' plates or graffiti which contribute to an understanding of the building. A transcription should be made wherever characters are difficult to interpret.
7.Any fixtures and fittings.
8.Copies of maps, drawings, views and photographs, present in the building and illustrating its development or that of its site.

This photographic building recording should also contain a written account which provides the precise location of the property as an address and in the form of a National Grid Reference, A note of any statutory designations, the date of recording with the name(s) of the recorder(s) and the location of any archive material.

Thereafter, the photographic building recording report shall be submitted to and approved in writing by the Local Planning Authority and submitted to the Lincolnshire County Council Historic Environment Record for archiving within 3 months of completion.

Reason: To ensure that the heritage significance of the host property is properly recorded in its undeveloped state.
This Condition is imposed in accordance with Section 16 of the National Planning Policy Framework 2023."

The submitted details are considered to be acceptable. The report has met the requirements of the condition and provides a suitable record of the building. The comments of the Historic Environment Officer have affirmed this.

As such, Condition 7 can be discharged.

Condition 8

Condition 8 reads as follows:

"Prior to the commencement of the development hereby permitted beyond oversite, a Biodiversity Net Gain Plan to demonstrate a net gain in biodiversity on-site shall be submitted to, and approved in writing by, the Local Planning Authority. This shall be supported by a Biodiversity Management Plan setting out how the biodiversity enhancements will be managed and monitored for the lifetime of the development.

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."

This condition was imposed prior to the requirement for 10% Biodiversity Net Gain introduced via the Environment Act, 2021. As such, the level of net gain required should be consistent with Policy 28 of the SELLP, which does not specify a specific gain figure.

The submit plans show the planting of two acer and three cherry trees. A section of hedging is proposed along the north-east boundary. While no metric has been submitted, it is clear that these details would result in a biodiversity net gain. As such, it is considered condition 8 can be discharged.

Condition 11

Condition 11 requires a scheme to deal with any contamination of land or pollution of controlled waters to be submitted to the LPA. The condition reads as follows:

"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."

It should be noted that Condition 12 of H01-0509-23, which required a verification report for this required scheme has already been approved under H01-0076-24.

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.

Conclusion

The submitted details adequately achieve the requirements of Conditions 7, 8 and 11 of H01-0509-23. As such, it is recommended that these conditions be discharged.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.