

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H03-0457-21 **Applicant:** Mr E Whitfield
Proposal: Details of external materials (Condition 3 of H03-0915-20)
Location: Railway Cottage Counter Drain Drove Tongue End
Terminal Date: 23rd June 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
04 Approach to Flood Risk
30 Pollution

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

CONDITION COMPLIANCE Details of external materials (Condition 3 of H03-0915-20)

To address condition 3, the agent has clarified the materials as follows:

Bricks - Wienerberger Athena blend flush pointed
Tiles - Marley Eden pantile rustic red

Since submission the details submitted to address condition 7 have been withdrawn from the application.

Site Description

As host application.

History

H03-0915-20. Replacement Dwelling following demolition of existing dwelling. APPROVED. 09-02-21.

Consultation Responses

Environmental Protection

"I have reviewed the A&EBC desk top study and site investigation report dated 21/4/21 and make the following comments: I recommend that the author makes reference to the LCRM available from the gov.uk website and the YALPAG Guidance on phase I and II reports. The report does not include sufficient background information, for example there has been no examination of historical mapping. Had this been undertaken, it would have been apparent that the former running lines were to the north of the cottage, not the south.

The presence of signal box on site would also have been identified. The report does not make reference to any identified published source for consideration of critical contaminants. The DOE Industry profiles remain useful in this matter. The conceptual site model does therefore not accurately represent the site.

Some sampling was undertaken, however there were no trial pit logs, and no soil descriptions to BS5930:1999. Only two samples were undertaken, however they were not taken in the area of the former running lines or signal box. The samples were sent for Waste Acceptance Criteria (WAC) testing. This is a specific test methodology used by landfills to see if they can accept waste. It has no relevance or use with respect to human health. One sample of off-site soil was tested for 'total' analysis however total PAH and screening test's such as EPH do not provide sufficient detail for human health comparison. The laboratory was not MCERTS or UKAS accredited and no test methodologies were provided.

I refer the author to the YALPAG guidance on imported soils for the information required in this situation. The report compares these with soil guidelines values. Whilst these have in the most part not been formally withdrawn, they are not commonly used, and reference is generally made to minimal risk values such as the C4SL's or commercially published screening values.

I am therefore not in a position to recommend discharge of the land contamination condition."

Planning Considerations

The response of the Environmental Protection officer related to the details submitted to discharge Condition 7, and these have been withdrawn from the application.

Condition 3

Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Schedule of materials, supplemented by additional information regarding the external finishes of the dwelling have been submitted.

The details are 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.