DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-0852-22**	**Applicant:**	**Mr P Barnsdale**
Proposal:	Details of scheme to deal with contamination, bricks, landscaping, boundary treatment, protected species details, ecological biodiversity measures and design & position of all meter boxes, gas flues & soil vent pipes (Conditions 3, 5, 6, 7, 8, 9 & 11 of H04-0122-22)		
Location:	12 Goxhill Avenue Donington Spalding		
Terminal Date:	5th October 2023		

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	2

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application at 12 Goxhill Avenue, Donington for details of scheme to deal with contamination, bricks, landscaping, boundary treatment, protected species details, ecological biodiversity measures and design & position of all meter boxes, gas flues & soil vent pipes (Conditions 3, 4, 5, 6, 7, 8, 9 & 11 of H04-0122-22).

SITE DESCRIPTION

The proposal is sited at the end Goxhill Avenue which is a private road. The existing dwelling named South View will utilise an existing gated entrance to the south-west of Maple Way. The surrounding area is characterised by dwellings of varying ages and designs. The site is in Environment Agency Flood Zone 1 and is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H04-0122-22

Full - Demolish existing buildings and erection of detached bungalow - Approved - 31 May 2022

CONSULTATION RESPONSES

South Holland District Council - Environmental Protection

I have reviewed the TLP Ground investigations Limited letter of 17th August and recommend discharge of condition 3 of H04-0122-22. The letter sets out the validation required in order to discharge condition 4, and I look
forward to receiving that in due course.

PLANNING CONSIDERATIONS

Assessment against Conditions 3 & 4 of H04-0122-22 - Contaminated Land Scheme & Contamination Verification Report

Conditions 3 states:

"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 4 states:

"If contamination of land and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition three above and remediation is required, 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 Environmental Protection Officer is satisfied with the proposed contaminated land scheme and once a full verification report is submitted Condition 4 of H04-0122-22 can be discharged.

Assessment against Condition 5 of H04-0122-22 - Brick Type to be Agreed

Condition 5 states:

"Before the commencement of the development hereby permitted beyond oversite, details of the brick(s) to be used to the external walls of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, and all the brick(s) used in the development shall conform to the details so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019."

Proposed brick is Ibstock Old Blackburn Weathered bricks, with Wienerberger Plinth Stretcher PL 3.2 plinth bricks. These bricks are considered to be in keeping with other dwellings in the area.

Condition 5 of H04-0122-22 has been addressed.

Assessment against Condition 6 of H04-0122-22 - Landscaping Detail - Full

Condition 6 states:

"Before the commencement of the development hereby permitted beyond oversite, 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 3.0 (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."

A substantive landscaping plan has been submitted which shows where existing trees will be retained and where additional trees / shrubs will be planted. There is a large number of trees to be positioned around the southern boundary to shield the approved dwelling from South View and the approved development off Maple Way under reference H04-0429-22. Additional planting is placed to the west and east of the proposal, with hedging to provide a natural barrier between the front and sides of the development. There is considered to be a biodiversity net gain as a result of the proposed landscaping scheme.

Condition 6 of H04-0122-22 has been addressed.

Assessment against Condition 7 of H04-0122-22 - Details of Boundary Treatment

Condition 7 states:

"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."

A 1.8 metre high close boarded timber fence will be sited on the northern, western and southern boundaries, with the existing 2 metre high close boarded timber fence retained on the eastern boundary. The proposed boundary treatment is in keeping with other dwellings in the vicinity, and does not materially impact the character or amenity of the surrounding area

Condition 7 of H04-0122-22 has been addressed.

Assessment against Condition 8 of H04-0122-22 - Bat Survey

Condition 8 states:

"All works should be in accordance with the recommendations of the submitted Helen Scarborough Ecology and Protected Species Survey dated March 2022. Specifically prior to demolition of the existing building on site a dusk or dawn bat survey is to be carried out. The results of the survey shall be submitted to the Local Planning Authority.

Reason: In the interest of nature conservation. This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019, and the National Planning Policy Framework, 2021."

The submitted Bat Survey undertaken by Helen Scarborough has found that *"The survey results indicate that the building does not support a long term, significant bat roost. No further surveys or mitigation is required."*

Condition 8 of H04-0122-22 has been addressed.

Assessment against Condition 9 of H04-0122-22 - Swift Nest Bricks

Condition 9 states:

"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."

Two swift nest boxes will be sited on the northern side elevation of the garage, with a bat box and a sparrow hotel on the southern side elevation of the garage. These measures are considered to aide ecological biodiversity in the vicinity of the site.

Condition 9 of H04-0122-22 has now been addressed.

Assessment against Condition 11 of H04-0122-22 - Domestic Accoutrements

Condition 11 states:

"Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019."

The proposed gas meter box is to be sited independent of the dwelling adjacent to the 1.8 metre high fence. The proposed electricity meter box is to be sited on a west facing frontage wall. The proposed locations are not visually prominent and do not impact the character or amenity of the surrounding area.

Condition 11 of H04-0122-22 has now been addressed.

CONCLUSION

Conditions 3, 5, 6, 7, 8, 9 & 11 of H04-0122-22 are considered to have been satisfactorily addressed. Condition 4 of H04-0122-22 remains outstanding.

RECOMMENDATION

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.