

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0372-21 **Applicant:** Mr & Mrs Parnell

Proposal: Details of external materials, external boxes, gas flues & soil vent pipes, landscaping, foul & surface water disposal and scheme to deal with contamination (Conditions 2, 3, 4, 5 & 6 of H06-0463-21)

Location: Tilsons Yard Black Barn Main Road Gedney Drove End

Terminal Date: 13th July 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
19	Rural Exception Sites
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

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

Representations:

	Object	Support	No Obj.	Comments
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	2

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application at Tilsons Yard Black Barn, Main Road, Gedney Drove End for details of external materials, external boxes, gas flues & soil vent pipes, landscaping, foul & surface water disposal and scheme to deal with contamination (Conditions 2, 3, 4, 5 & 6 of H06-0463-21).

SITE DESCRIPTION

The proposal is outside of defined settlement limits and the surrounding area is predominately rural, characterised by dwellings and buildings of varying ages and design. With regard to flood risk, the site is located in a "Danger for All" area on the 2115 South Holland Strategic Flood Risk Mapping, with a requirement to raise finished floor levels to a minimum of 1 metre above ground level.

RELEVANT HISTORY

H06-0507-18

Full - Erection of dwelling with garages in association with existing plant hire business - Refused - 28 August 2018.

H06-0772-19

Full - Erection of dwelling in association with existing plant hire business - Approved - 04 November 2019.

H06-0463-21

Section 73 Continuation - Erection of dwelling in association with existing plant hire business - approved under H06-0772-19. Modification of Condition 2 to allow amendments to previously approved plans - Approved - 22 November 2021.

H06-0157-23 - Angloplant business to east of site in ownership of applicant

Full - Replacement of existing offices and workshop - Approved - 03 May 2023.

CONSULTATION RESPONSES

South Holland District Council - Environmental Protection

"I have reviewed the Goldfinch Environmental letter dated 23/6/21 and am in general agreement with the findings, which are to install basic gas protection measures. Validation in the form of site photos as the membrane is laid and delivery notes should be submitted to fully discharge the condition, but at this stage I can recommend discharge of parts i & ii of condition 6 of H06-0463-21."

South Holland Internal Drainage Board

They are satisfied with the infiltration test results and provide guidance with regard to development with 9 metres of a board maintained drain.

PLANNING CONSIDERATIONS

Compliance with Condition 2 of H06-0463-21 - Materials Schedule

This Condition states:

Before the commencement of the development hereby permitted beyond oversight 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.

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.

The proposed roof and walls are to be corrugated anthracite grey cladding. Light grey stone will be used on high and low stone walls to the front of the site. Windows and doors are to be grey aluminium. The proposed materials of construction are considered to be appropriate for the site and aid heat retention.

Condition 2 of H06-0463-21 has now been addressed.

Compliance with Condition 3 of H06-0463-21 - Domestic Accoutrements

This Condition 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 submitted elevational drawing shows an electricity meter box on the east facing side elevation of the dwelling adjacent to the garage. An air source heat pump is sited on the north facing rear elevation, on the rear wall of the garage. There is to be no gas provision or soil vent pipes.

The proposed locations are considered to be visually discrete and do not materially impact the character of the dwelling.

Condition 3 of H06-0463-21 has now been addressed.

Compliance with Condition 4 of H06-0463-21 - Landscaping Detail - Full

This Condition states:

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 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 applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development.

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.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

The entirety of the site is to be grass with planting to the front of the dwelling. The trees to be

planted are a mixture of limes, laburnum, cherry blossom, acers, maples, bird cherry, oak, walnuts, hornbeam, mulberry and rowan. The planting height of these trees is 0.9 metres to 1 metre. The planting will be sited either side of the driveway and around a land drain. The planting will contain a mixture of Lonicera Pileatea, Spirear Godl Flame, Scenecio Greyii, Rosa Rugosa, Prunos Laurocerasus, Syringa Vulgaris, privet, laurel and fruit bushes. The existing willow tree at the front of the site is to be retained. The proposed landscaping layout is considered to be appropriate for the site.

Condition 4 of H06-0463-21 has now been addressed.

Compliance with Condition 5 of H06-0463-21 - Full Details of Drainage

This Condition states:

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.

Foul water is to be addressed via a Kingspan Klargester Biotec Wastewater treatment plant. Four soakaways are to be provided for which infiltration test results have been supplied.

The South Holland Internal Drainage Board has no objections to the submitted details.

Condition 5 of H06-0463-21 has now been addressed.

Compliance with Condition 6 of H06-0463-21 - Contaminated Land Scheme

This Condition 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.

The Environmental Protection have viewed the submitted Supplemental Ground Gas Risk Assessment and have stated: *"I have reviewed the Goldfinch Environmental letter dated 23/6/21 and am in general agreement with the findings, which are to install basic gas protection measures. Validation in the form of site photos as the membrane is laid and delivery notes should be submitted to fully discharge the condition, but at this stage I can recommend discharge of parts i & ii of condition 6 of H06-0463-21."*

Condition 6 of H06-0463-21 has been partially addressed with part iii remaining outstanding.

CONCLUSION

Conditions 2, 3, 4 and 5 of H06-0463-21 have now been addressed, with part iii of Condition 6 remaining 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.