

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0235-22 **Applicant:** Highgrove Homes (Spalding) Ltd.

Proposal: Details of desktop study to deal with contamination, existing & proposed site levels & foul & surface water disposal (Conditions 4, 6 & 7 of H14-0370-21)

Location: Land Adj. Four Acres Beck Bank West Pinchbeck

Terminal Date: 10th June 2022

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

- 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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application for land adjacent Four Acres, Beck Bank, West Pinchbeck. This application provides a desktop study to deal with contamination, existing & proposed site levels & foul & surface water disposal (Conditions 4, 6 & 7 of H14-0370-21).

SITE DESCRIPTION

The proposal site is on residential garden land within defined settlement limits. The surrounding area is characterised by linear development of varying ages and designs. The site is Environment Agency Flood Zone 3 and is subject to a "Danger for Most" hazard area at the rear of the site, with a maximum predicted flood depth of 0.5 metres on the 1% 2115 South Holland Strategic Flood Risk Mapping. Therefore, any reserved matters application would be required to have dwellings at a minimum finished floor level of 500mm above ground level.

RELEVANT HISTORY

H14-0336-18

Outline - Residential Development - Approved - 04 June 2018.

H14-0370-21

Outline - Residential Development - Approved - 30 July 2021.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections - *"The details submitted to discharge conditions 4,6 and 7X attached to Decision Notice H14-0370-21 are acceptable in accordance with the details submitted with this application."*

SHDC - Environmental Protection

"Following discussion with Peter Flavill of seven22 Architecture Ltd I understand that the site strip had already taken place prior to submission of a remediation method statement, and therefore validation has been submitted for consideration. I have reviewed the I2 Analytical Report Number : 22-52539, Chain of custody records and site plan submitted by Peter Flavill of seven22 Architecture Ltd and recommend discharge of condition 4 of H14-0370-21 in full. The developer is reminded that should unexpected contamination be identified during construction, this department should be reconsulted immediately."

Black Sluice Internal Drainage Board

"Provided the planning authority are satisfied with any evidence submitted by the applicant regarding the use of soakaways, as per BRE Digest 365, then the Board have no further comment."

PLANNING CONSIDERATIONS

Compliance with Condition 4 of H14-0370-21 - Contaminated Land Scheme

The Environmental Officer has stated with regard to the submitted Phase 1 Desk Study - *"Following discussion with Peter Flavill of seven22 Architecture Ltd I understand that the site strip had already taken place prior to submission of a remediation method statement, and therefore validation has been submitted for consideration. I have reviewed the I2 Analytical Report Number : 22-52539, Chain of custody records and site plan submitted by Peter Flavill of seven22 Architecture Ltd and recommend discharge of condition 4 of H14-0370-21 in full. The developer is reminded that should*

unexpected contamination be identified during construction, this department should be reconsulted immediately."

Condition 4 is considered to have been addressed.

Compliance with Condition 6 of H14-0370-21 - Details of Existing and Proposed Site Levels

The proposed site levels are considered to be appropriate for the site and surrounding area. The outline approved dwellings are sited 500mm above ground level. With the frontage of the site at 3.25 mAOD at the frontage and the rear of the site sloping gently downwards to 2.25mAOD. A raised dwelling height of 500mm will not make a significant impact on overshadowing or overlooking in the vicinity, nor will it materially impact the overall built character.

Condition 6 is considered to have been addressed.

Compliance with Condition 7 of H14-0370-21 - Full Details of Drainage

Black Sluice Internal Drainage Board has stated *"Provided the planning authority are satisfied with any evidence submitted by the applicant regarding the use of soakaways, as per BRE Digest 365, then the Board have no further comment."*

Surface water drainage will be addressed by soakaways will foul water drainage to connect to the existing network. It is considered that the proposed drainage methods are appropriate for the site.

Condition 7 is considered to have been addressed.

PLANNING BALANCE

Conditions 4, 6 and 7 of H14-0370-21 relating to contaminated land, site levels and drainage respectively are considered to have been adequately addressed.

Conclusion

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.