DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0175-20**	**Applicant:**	**Mr & Mrs P Martin**
Proposal:	Details of external materials, external boxes etc, landscaping and contamination report (Conditions 3, 4, 5, 6 and 8 of H16-0361-19)		
Location:	Rear Of Goodfellows Spalding Common Spalding		
Terminal Date:	29th September 2020		

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
30	Pollution

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 & 14 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application for details of external materials, external boxes, landscaping and contamination (Conditions 3, 4, 5, 6 and 8 of H16-0361-19) on land to the rear of Goodfellows, Spalding Common.

Site Description

The site is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design. Bungalows and two-storey dwellings are site to the north, east and west, with four new bungalows under construction to the south. The bungalow will be constructed to a minimum ground floor level of 3.4mAOD, which is 950mm above the floor level of the existing building, and 260mm above the floor level of No 9 Spalding Common. Adjacent bungalows approved under reference H16-0080-18 are currently under construction with an approved finished floor level that is also set at 3.4mAOD.

Relevant history

H16-0080-18

On land to south - Residential development - erection of four dwellings - Approved - 27 June 2018.

H16-0361-19

Full - Demolition of existing garage and erect new dwelling - Approved - 11 June 2019.

Consultation Responses

Welland & Deepings Internal Drainage Board

If soakaways are to be used for surface water discharge then the suitability for them would need to be demonstrated to South Holland District Council, especially considering how densely populated the immediate surrounding area already is.

Taking into account the above, any proposed roadways , parking and turning areas etc should be of permeable construction to allow free-drainage and to not potentially cause waterlogging elsewhere on site.

If another method of surface water disposal is proposed in the future the Board would need to be consulted at that time.

SHDC Environmental Protection

I have reviewed the EPS Ltd letter 'Supplementary ground gas monitoring, land to the rear of Goodfellows' ref UK19.4828 dated 18th June 2020 and recommend discharge of condition 8 of H16-0361-19 in full.

Planning Considerations

Compliance with Condition 3 of H16-0361-19 - Proposed brick

The proposed brick is Forterra Belgravia Gault Blend. The proposed brick is considered to be appropriate for the site. Condition 3 can now be discharged.

Compliance with Condition 4 of H16-0361-19 - Proposed tiling

The proposed tile is Marley Eternit thin leading edge graphite. The proposed tiling is considered to be appropriate for the site. Condition 4 can now be discharged.

Compliance with Condition 5 of H16-0361-19 - Domestic accoutrements

The proposed service boxes are to be sited in the rear elevation which is considered to be an

appropriate position which does not impact the character of the build. Condition 5 can now be discharged.

Compliance with Condition 6 of H16-0361-19 - Landscaping

The proposed landscaping is predominately toward the boundaries of the site. This will consist of two silver birch trees, mahonia aquifolium and native shrubbery species. It is considered that the proposed site levels are appropriate for the site, and the 1.8 metre high boundary fencing adequately addresses the amenity of both the future occupant and nearby properties, without affecting the character of the surrounding area. The landscaping is considered to be appropriately sited and compliments the proposed garden layout. Condition 6 can now be discharged.

Compliance with Condition 8 of H16-0361-19 - Contaminated land

The Environmental Protection Officer has no objections to the submitted details and recommends discharge of Condition 8 in full. SELLP Policy 30 is titled 'Pollution' and states:

"Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon:
1. health and safety of the public;
2. the amenities of the area; or
3. the natural, historic and built environment; by way of:
4. air quality, including fumes and odour;
5. noise including vibration;
6. light levels;
7. land quality and condition; or
8. surface and groundwater quality.
Planning applications, except for development within the curtilage of a dwelling house as specified within Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development)(England) Order 2015, or successor statutory instrument, must include an assessment of:
9. impact on the proposed development from poor air quality from identified sources;
10. impact on air quality from the proposed development; and
11. impact on amenity from existing uses.
Suitable mitigation measures will be provided, if required. Proposals will be refused if impacts cannot be suitably mitigated or avoided.
Development proposals on contaminated land, or where there is reason to suspect contamination, must include an assessment of the extent of contamination and any possible risks. Proposals will not be considered favourably unless the land is, or can be made, suitable for the proposed use."

When assessed the above criteria, the following can be observed.

There will be no impact on the health and safety of the public from the proposal (1) nor the amenities of the area (2) from what can be termed a 'backland' site. The natural, historic and built environment (3) will not be impacted either by (4) air quality, fumes or odour, from what is a residential development in a residential area. (5) Noise and (6) light levels will not be impacted from this proposal which topographically will not be visually prominent.

The land is overgrown but is suitable for construction purposes (7) with the submitted surface and groundwater quality agreeable to the Environmental Health Technician (8). There are no identified sources of poor air quality in the area(9) so this criterion carries little weight for consideration(9), and there is not considered to be an impact on air quality from the new development save for vehicular emissions post emission, should the occupier own a motor vehicle(10) The area is overgrown and used for the store of construction materials. Therefore the proposed construction is considered to improve the visual amenity of the site(11).

It is considered that Condition 8 can now be discharged.

Conclusion

Conditions 3, 4, 5, 6 and 8 are now considered to be have been satisfactorily addressed and can be discharged.

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.