DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0383-24**	**Applicant:**	**BLM Builders Ltd**
Proposal:	Details of boarding to be used to the external walls, roof tiles, external boxes for gas & electricity supplies & of any gas flues & soil vent pipes, swift nest bricks & details of site investigation for contamination of land or pollution of controlled waters (Conditions 3, 4, 5, 8 & 9 (i) of H16-0185-22)		
Location:	Adjacent To Douglas (Plot 3) Horseshoe Road Spalding		
Terminal Date:	3rd July 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
28	The Natural Environment
30	Pollution

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed & Beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions application that seeks the discharge of Conditions 3, 4, 5, 8 & 9 (i) relating to H16-0185-22.

Condition 3 - boarding to be used to the external walls of the development

Condition 4 - details of the roof tiles

Condition 5 - design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes

Condition 8 - swift nest bricks

Condition 9 - Land Contamination

It is of note that condition 8 is compliance and cannot be discharged.

Site Description

The application site is within defined settlement limits on the edge of Spalding and relates to Plot 3 of a broader permission. The surrounding area is predominately rural, characterised by non-nucleated linear development of varying ages and design. Plot 1 to the west is a bungalow, with Plot 2 a two-storey dwelling. Arable fields are located to the north and south of the site. Plot 4 to the east is proposed to be a two-storey dwelling with rooms in the roofspace. This plot is yet to be developed. The site is in Environment Agency Flood Zone 3, and is not subject to increased flood hazard or risk on the 2115 South Holland Strategic Flood Risk Mapping.

History

H16-0185-22 - Erection of Dwelling (Plot 3). Approved 20-04-22

H16-0715-16 Reserved Matters - Residential development - Erection of four dwellings - Outline approval H16- 0482-14 - Approved - 23 October 2017

H16-0397-18 Condition Compliance - Details of Archaeological Investigation (Condition 3 of H16-0715-16) - Part Approved / Part Refused - 20 November 2018.

H16-0703-20 Non-material amendment - Residential Development - erection of 4 dwellings - approved under
H16-0715-16. Amendments to design of Plot 2 and design and re-location of garage to Plot 2 - Non-determined - 19 October 2020.

Consultation Responses

Environmental Protection

The topsoil proposed appears satisfactory, I look forward to receipt of the validation report in due course.

Planning Considerations

Condition 3 - boarding to be used to the external walls of the development
The condition requires:

Before the commencement of the development hereby permitted beyond oversite, details of the boarding 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

The applicant proposes 'Marley Cedral Anthracite' boarding and these are considered acceptable. Condition 3 is therefore discharged.

Condition 4 - details of the roof tiles

The condition requires:

Before the commencement of the development hereby permitted beyond oversite, details of the roof tiles to be used for the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority

The applicant proposes 'Marley Modern Dark Grey' roof tiles and these are considered acceptable.

Condition 4 is therefore discharged.

Condition 5 - design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes

The condition requires:

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

The applicant has shown these positions on drawing DRG J163-EM 1. They are considered acceptable.

Condition 5 is therefore discharged.

Condition 8 - swift nest bricks

The condition requires:

Three swift nest bricks shall be incorporated within the external walls of the dwelling hereby approved and shall be retained thereafter.

This condition is a compliance condition and cannot be discharged. Notwithstanding this the applicant has shown a picture of a swift box, but not shown on the building where it is to be located.

Condition 9 i - Land Contamination

The condition requires:

The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:

(i)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.

As part of the original application (H16-0185-22) a desk top study was submitted. Of this report the EPO states *Unfortunately I cannot read the desk study report submitted as it is of poor quality, however I have read and commented on it before for other plots. There are other site investigation reports and remediation has been required on other parts of the site, therefore I request that the standard land contamination conditions be applied at this location, with part i omitted*

Part 'I' requires the submission of a desk top study and was not attached to that permission. The aforementioned report does state that it **did not identify the presence of potential site specific sources of contamination other that the possibility of limited areas/thickness of potential inert made ground in the vicinity of buildings footprints and underneath in the existing driveway and referred tanks** Section 7 of the report concludes that the need for a **Phase 2 intrusive investigation is considered unwarranted**

In response to this discharge the EHO has stated that they look forward to seeing the remediation strategy. The remediation strategy is controlled by part 'ii' of condition 9 and the applicant does not seek discharge of this part. An exploratory site investigation (Phase 2) was not identified as part of the initial desk study and so the inclusion of part 'I' in this instance was unnecessary.

On this basis part 'I' of condition 9 is discharged.

Conclusion

Conditions 3, 4, 5, 8 & 9 (i) relating to H16-0185-22 are hereby 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.