DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-0229-24**	**Applicant:**	**Mr I Bates**
Proposal:	Details of design & position of all external boxes, gas flues & soil vent pipes, scheme to deal with contamination and ecological biodiversity measures (Condition 4, 8 & 13 of H17-0130-23).		
Location:	Land Off Station Road Surfleet Spalding		
Terminal Date:	19th July 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
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 2023

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

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge Conditions 4, 8, and 13 of planning approval H17-0130-23,

relating to details of the design and position of all external boxes, gas flues & soil vent pipes, scheme to deal with contamination and ecological biodiversity measures.

Following a request by the Environmental Protection Officer, an amendment has been made to this application to remove Condition 9 related to a Contamination Verification Report. This Condition can be addressed at a later date.

Site Description

The site is within the defined settlement limits of Surfleet. Dwellings and the Riverside Public House are sited to the south on the opposite side of Station Road. 176 Station Road and the garden area of 172 Station Road are located to the west of the site. Established trees are outside but adjacent to the northern boundary of the site, with Station Road and dwellings beyond. Untidy waste ground is located beyond the eastern boundary of the site. The site is in Environment Agency Flood Zone 1 and is not subject to increase flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping.

History

H17-1040-17 - Full - Demolition of shed and associated outbuildings and replacement with five 2 and 3 bedroom houses - Approved - 26 April 2018.

H17-0219-21 - Condition Compliance - Details of existing & proposed site levels, scheme to deal with contamination, storage & disposal of refuse & recycling, boundary treatment and external materials (Conditions 3, 4, 5, 7 and 8 of H17-1040-17) - Withdrawn.

H17-0130-23 - Full -Demolition of 180 Station Road, associated outbuildings, adjacent shed and erection of 7 two and three bed houses - Approved - 15th August 2023.

H17-0785-23 - Condition Compliance - Details of schedule of external materials of construction of buildings & hard surfaced areas, Landscaping & tree planting for the site & Proposed boundary treatments (Conditions 3, 5 & 6 of H17-0130-23) - Approved - 27th October 2023.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

South Holland District Council - Environmental Protection - 10th July 2024

I have reviewed the EPS Limited reports:

Phase I and II Environmental Assessment Land off Station Road, Surfleet reference UK 20.4948 dated the 22nd of April 2020 issue 1.
Ground Investigation Report 'Land off Station Road, Surfleet reference UK 20.4948d dated the 12th December 2023 issue 1.
Supplementary Gas Monitoring Report dated 11th May 2021.
Remedial Strategy and Implementation Plan Land off Station Road, Surfleet reference UK 20.4948c dated 15th February 2024 issue 2.

I am in general agreement with the findings and recommend discharge of condition 8 of H17-0130-23 with condition 9 remaining outstanding. I do however make the following comments and request that these are passed to the applicant and the environmental consultant in full:

I note that the simple cover system proposed relies on 425mm of clean imported soil. This thickness was calculated based on a soil lead content of 40mg/kg. I have concerns that this is slightly below the natural background level for soils in the area and make it clear that if this is not met by the imported soils than an increased thickness of soil cover will be required. In terms of the rate of sampling of imported soils, the YALPAG guidance should be consulted and complied with in terms of sampling rates depending on the source of the soil. I have commented on the additional ground gas monitoring that was previously supplied under H17-0219-21, my comments of the 19th of July 2021 apply. I have assumed that the applicant wants to submit this along with this application. Please ensure a copy is added to the file for completeness.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Planning Considerations

Condition Details

The conditions detail:

Condition 4

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 locations of the external boxes for gas and electricity supplies and of any gas flues and soil vent pipes are as follows:

Plots 1, 2, 4 and 5
To the eastern side elevation an electric meter and external grille are proposed. On the northern elevation two tile vents are proposed on the roof and to the western elevation is an external grille to a w/c extractor and an external grill to the cooker hood are proposed.

Plot 3
To the southern elevation (front) a tile vent to the en-suit extractor is proposed, to the eastern elevation would be the external grill, to the northern elevation a tile vent to the bathroom, a external grille to the utility and an external grille to the WC extractor is proposed and to the western elevation the electricity meter is proposed.

Plots 6 and 7
The electricity meter for Plot 6 will be sited on the western side elevation along with the grille to the cooker hood. The electricity meter for Plot 7 will be sited on the eastern side elevation along with the grille to the cooker hood. The grilles for the wc extractor of both plots will be located on the northern rear elevation with three tile vents on the roof of the southern elevation are proposed and four tiles vents to the northern roof are also proposed.

The locations of the external boxes for gas and electricity supplies and of any gas flues and soil vent pipes are all considered acceptable for plots 1 to 7 and Condition 4 can be discharged.

Condition 8

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.

Environmental Health have been consulted on this application and have confirmed that they are in general agreement with the findings and therefore have recommended the discharge of conditions 8 of H17-01330-23 in full.

Condition 13

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.

The details provided are sufficient and acceptable to discharge Condition 13. The ecological benefit illustrated is the inclusion of bat boxes on the southern frontage of Plot 2 and the frontage of Plot 4, along with swallow bird boxes being located on the northern rear of Plot 3 and the eastern side elevation of Plot 7. The planting of three trees and six shrubs adjacent the parking areas is also included within the proposal which is sufficient to ensure the proposal complies with policy 28.

Conclusion

The details in relation to Conditions 4, 8, and 13 are acceptable 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.