

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H17-1054-22 **Applicant:** M & T Foden, T Laud & J Bailey-Scott

Proposal: Details of design & position of external meter boxes, gas flues & soil vent pipes and scheme to deal with contamination (Conditions 4 & 6(i) of H17-0600-22)

Location: Land Adj. 110 Station Road Surfleet Spalding

Terminal Date: 23rd December 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
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application for details of the design & position of external meter boxes, gas flues & soil vent pipes and a scheme to deal with contamination on land adjacent 110 Station Road, Surfleet (Conditions 4 & 6 of H17-0600-22).

SITE DESCRIPTION

The site is within defined settlement limits and the surrounding area is characterised by linear residential development of varying ages and designs. The site is in Environment Agency Flood Zone 1, and is in a Low Hazard area, with a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping. As the site is in Flood Zone 1 there is not a requirement for a sequential or exceptions test.

RELEVANT HISTORY

H17-0600-22

Full - Demolition of existing outbuildings and erection of 2 detached two storey dwellings - Approved - 09 August 2022.

CONSULTATION RESPONSES

South Holland District Council - Environmental Protection

"I have reviewed the GeoSmart - Phase 1 Contaminated Land Assessment ref 77712R1 Dated September 2022 and am in general agreement with the findings. I therefore recommend discharge of part i of condition 6 of H17-0600-22, and look forward to receipt of the site investigation report in due course."

PLANNING CONSIDERATIONS

Assessment against Condition 4 of H17-0600-22 - 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 proposed service boxes on and adjacent the side elevations of Plots 1 and Plot 2. The proposed locations and box designs are considered to be appropriate for the plots.

Condition 4 of H17-0600-22 is considered to have been addressed.

Assessment against Condition 6 of H17-0600-22 - 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 Officer is in general agreement with the findings and recommends discharge of Part i of Condition 6.

Part i of Condition 6 of H17-0600-22 is considered to have been addressed.

PLANNING BALANCE

It is considered that Condition 4 and Part i of Condition 6 of H17-0600-22 have now been addressed and can be discharged.

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.