

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H19-0072-24 **Applicant:** Mr R Price

Proposal: Details of archaeological investigation, contamination of land or pollution of controlled waters & site levels & floor levels (Conditions 3, 4, & 5 of H19-0906-23)

Location: Land Adjacent Yonder South Eau Bank Throckenholt

Terminal Date: 25th March 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well-designed and Beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 16 - Conserving and enhancing the Historic environment

Representations:

	Object	Support	No Obj.	Comments
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge conditions attached to planning application H19-0906-23. The applicant seeks to discharge the following conditions:

- Condition 3 - Archaeological WSI
- Condition 4 - Contamination Report

-Condition 5 - Site Levels

Site Description

The application site is located to the west of Yonder, close to Bank House Farm. The application site is set at a lower topography than South Eau Bank, and access is already on site, this serves Yonder. A number of outbuildings were located on site, and to the rear (north) are open fields. An exiting access serves the dwelling known as 'Yonder' and this application would utilise that same access egress point. The application site is located directly south of 'Great Eau Drain' and north of the B1166 (Old South Eau Bank) and fairly described as an infill plot located between other residential dwellings. The site is also located within flood zone 3 in accordance with the Environment Agencies Mapping System. The South East Lincolnshire Local Plan SFRA shows that the area is in a white cell, and therefore at low risk.

Planning permission has been achieved for the erection of a dwelling on this site.

History

H19-0906-23 - Proposed Dwelling. Approved 12-12-23

Consultation Responses

North Level IDB

Please note that North Level District Internal Drainage Board have no comment to make with regard to the above application.

Historic Environment

Condition 3 of H19-0906-23 has been complied with and can be discharged

Environmental Protection

After assessing the phase 1 and phase 2 studies submitted on previous planning application H19-0953-18 for this location, I have no further comments to make on Land Contamination provided recommendations set out in this phase 2 report have been adhered too.

Planning Considerations

Condition 3 - Archaeological WSI

The condition requires the developer to provide and submit for agreement:

A written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

- 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).*
- 2. A methodology and timetable of site investigation and recording*
- 3. Provision for site analysis*
- 4. Provision for publication and dissemination of analysis and records*
- 5. Provision for archive deposition*
- 6. Nomination of a competent person/organisation to undertake the work*
- 7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook. The archaeological site work shall only be undertaken in accordance with the approved written scheme.*

The applicant has provided a written scheme of investigation for archaeological monitoring and recording. The report includes (among other things) aims and objectives, operations, post excavation information and report deposition. The historic environment officer has considered this and has no objections to the discharge of condition 3.

This condition was imposed in accordance with Policy 29 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 4 - Contamination Report

The condition requires the developer to provide and submit for agreement:

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 applicant has provided a contamination report by Groundsure. Environmental Protection have revived this report and despite it being dated to 2018 consider that it is valid and relevant, reflecting the existing conditions of the site. The officer states *After assessing the phase 1 and phase 2 studies submitted on previous planning application H19-0953-18 for this location, I have no further comments to make on Land Contamination provided recommendations set out in this phase 2 report have been adhered too.*

This Condition was imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 5 - Site Levels

The condition requires the developer to provide and submit for agreement:

Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority.

The applicant has submitted a block plan (ref:1220/04) this plan shows that the finished floor levels will be at 10.250m AOD. External site levels range between 9.6m AOD and 9.9m AOD and therefore the levels are acceptable (and also in line with the FRA). Furthermore, the proposal is for a bungalow property, sat in between two 2-storey dwellings. Whilst there is a sufficient separation distance from each of these properties it is also of note that Yonder (the dwelling to the west) is located on slightly higher ground than this application site. Furthermore, the entire site is far below road levels. On this basis it is considered that there would not be an unacceptable impact upon the areas character or amenity.

This condition was imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019

Conclusion

Condition 3, 4 & 5 of H19-0906-23 are therefore 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.