DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0238-26**	**Applicant:**	**Mr P Sanderson**
Proposal:	Details of contamination of land or pollution of controlled waters, verification report, acoustic fence 2 metres in height shall be erected along the south-eastern and south-western boundaries adjoining the rear garden, ecological biodiversity measures & boundary treatments (Conditions 3, 4, 5, 8 & 9 of H23-0705-24)		
Location:	Orchard Farm Dowsdale Bank Shepeau Stow		
Terminal Date:	7th May 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
30	Pollution

National Guidance

National Planning Policy Framework December 2024

Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions application providing details of contamination of land or pollution of controlled waters, verification report, acoustic fence 2 metres in height shall be erected along the south-eastern and south-western boundaries adjoining the rear garden, ecological biodiversity measures & boundary treatments (Conditions 3, 4, 5, 8 & 9 of H23-0705-24).

Site Description

The site is located to the north-east of the existing farmyard (Orchard Farm) and is currently grassland, with a field access. Farm buildings are situated to the south. A row of high Leylandii is located along the frontage and native hedging is situated along the south-western boundary. The nearest residential properties not associated with the new development are "The Gatehouse" some 230m to the north-east and "Willowdale" to the south-west the opposite side of Orchard Farm.

History

H23-0705-24 - Erection of dwelling - amendment to position of Plot 4 - approved under H23-0358-22. Modification of Condition 2 to allow amendments to previously approved plans and removal of Conditions 3, 4, 5, 6, 7, 11, 13, 14 and 15. Approved 01-10-24

Consultation Responses

Ecology

The ecologist has stated:

·We are confident that the appropriate biodiversity enhancement measures have been implemented and are appropriately located.
·The proposed hedgerow planting scheme and management plan seem feasible and we are confident with their approach.
·We therefore support the discharge of condition 8 of H23-0705-24.

Environmental Protection

The Enivronmental Protection Officer has stated "I have reviewed Goldfinch Environmental Limited, Tier 1: Contamination Risk Assessment for the development at Orchard Farm, Dowsdale Bank, Report Ref: 1047/1, Dated January 2026. I am in general agreement with this document and recommend that the land contamination condition can be fully discharged."

Planning Considerations

Condition 3 - Contamination of land or pollution of controlled waters

The condition requires (in part):

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:

·Tier 1 - Contamination Risk Assessment
·Valuation Report

The environmental protection officer has reviewed the above information and considers that the approaches set out are acceptable and that the information demonstrates compliance with the condition. The condition is therefore discharged.

Condition 4 - Verification report

The condition requires (in part):

If contamination of land and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition 2 above and remediation is required, a full copy of a verification report shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development.

The applicant has provided:

The environmental protection officer has reviewed the above information and considers that the approaches set out there in acceptable and that there is no requirement for a verification report. The condition is therefore discharged.

Condition 5 - Acoustic Fence

The condition requires (in part):

Unless otherwise approved in writing, an acoustic fence 2 metres in height shall be erected along the south-eastern and south-western boundaries adjoining the rear garden in accordance with details to be submitted to and approved in writing by the Local Planning Authority before the dwelling is occupied and shall thereafter be so maintained.

The applicant has provided:

- Discharge Planning Drawings
- Details of acoustic fence

The submitted drawings indicate that the fence is to be erected at a height of 1.8 metres along the south-eastern and south-western boundaries. Whilst the condition specifies a 2 metre high boundary treatment, it is noted that the adjacent farm is no longer operational. In light of this material change in circumstances, it is considered that a reduced fence height of 1.8 metres would not result in unacceptable impacts in terms of noise or amenity. Furthermore, the proposed planting to the rear would provide additional screening and mitigation.

Details have been provided in respect of both the siting of the acoustic fence and its construction, and these are considered to be satisfactory.

On this basis, the requirements of the condition are considered to have been met. The condition is therefore discharged.

Condition 8 - Ecological Biodiversity Measures

The condition requires (in part):

Before the first occupation 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.
The applicant has provided:

·Discharge of Conditions Details

The applicant shows that a bat box will be located to the gable at the rear of the garage and a swift box to the eaves. The ecologist has reviewed the information and finds it acceptable to discharge. The condition is therefore discharged.

Condition 9 - Boundary Treatments

The condition requires (in part):

Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

The applicant has provided:

- Discharge of Conditions Details
- Plans showing location of boundary types and details
- Detail on acoustic fence

This document sets out the proposed boundary treatments and hedging, which are considered acceptable. The applicant has also provided updated drawings illustrating these details in plan form as well as details of teh acoustic fence to be installed.. On this basis, the proposal is considered to comply with the requirements of the relevant policy, and the condition is therefore satisfied 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.

Conclusion

Conditions 3, 4, 5, 8 & 9 of H23-0705-24 are hereby discharged.