

DECISION DELEGATED TO HEAD OF PLANNING**DECISION DELEGATED TO HEAD OF PLANNING**

Application No: H23-0541-23 **Applicant:** LA Rose Homes Ltd

Proposal: Details of external materials, proposed soakaway system, contamination of land or pollution of controlled waters and ecological biodiversity measures. (Conditions 4, 5, 6 and 8 of H23-0607-22)

Location: Adj. Charnwood 259 High Road Whaplode

Terminal Date: 17th November 2023

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
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

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 9: Promoting sustainable transport
Section 12: Achieving well-designed 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
HIGHWAYS & SUDS SUPPORT	0	0	0	1

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application for conditions 4, 5, 6 and 8 of H23-0607-22, concerning details of external materials, proposed soakaways, contamination of land and ecological measures.

Site Description

The site is within the settlement boundaries of Whaplode as outlined within the South-East Lincolnshire Local Plan, 2019 (SELLP). The site currently forms part of the residential garden to Charnwood, 259 High Road, and is manicured lawn. The eastern boundary is currently made up of a 2.1m high brick wall which extends across the front boundary.

Relevant History

H23-0485-19 - Outline. Residential development - single plot. Approved 18/07/19

H23-0607-22 - Full. Erection of dwelling and detached garage. Approved 25/08/22.

Consultation Responses

Highway and Lead Local Flood Authority

"Recommendation: No objection. The details submitted to discharge Details of external materials, proposed soakaway system, contamination of land or pollution of controlled waters and ecological biodiversity measures. (Conditions 4, 5, 6 and 8 of H23-0607-22) are acceptable in accordance with the submitted details with this application"

South Holland Internal Drainage Board

No objections. Currently, the proposal does not require land drainage consent; and therefore, no objections are raised.

Environmental Protection

"I have reviewed the Oakshire Environmental reports 'Phase 2 Intrusive Site Investigation 27 February 2023' and Phase 3 Remediation Options Appraisal 21 March 2023, and the GAS architecture 'Ground Contamination Remediation Plan' Project number 1034, drawing no 4003 dated March 2023 and recommend discharge of condition 6, with condition 7 remaining outstanding. I have no objection to work starting on site"

Planning Considerations

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.
The adopted South-East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the

development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Condition 4

Condition 4 relates to external materials. It is proposed that the dwelling is to be constructed of Vandersanden Autumn bricks, with anthracite grey roof tiles. Window frames and the patio door are to be white UPVC. The front door would be anthracite grey.

The submitted details are considered acceptable, making the property appear well blended into the street scene. The materials are comparable to those used in existing neighbouring properties. The proposal therefore is acceptable, and condition 4 can be discharged.

Condition 5

Condition 5 relates to soakaways and surface water drainage. To supplement this information, storage volume calculations have been submitted.

The submitted details are considered acceptable and would adequately ensure the drainage of the site for the foreseeable, without causing any increase in runoff to other properties. No objections from either the Internal Drainage Board or the Lead Local Flood Authority have been received. Condition 5 can be discharged.

Condition 6

Condition 6 relates to surveys assessing the contamination of land or pollution of waters. As part of the scheme to control contaminates, the top 600mm of topsoil is to be removed and replaced with clean local soil.

The relevant consultee from the Environmental Protection department has raised no objections to the scheme, recommending that the condition be discharged. Therefore, condition 5 can be discharged.

Condition 8

Condition 8 relates to details of ecological measures. Two swift bricks are proposed, in line with the guidance note attached to the condition.

The scope for impactful biodiversity measures is limited due to the nature of the development. As such, the conditions are considered acceptable and condition 8 can be discharged.

Conclusion

Conditions 4, 5, 6, and 8 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.