DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0585-24**	**Applicant:**	**La Rose Homes Ltd**
Proposal:	Details of verification report (Condition 7 of H23-0607-22)		
Location:	257 High Road Whaplode Spalding		
Terminal Date:	29th August 2024		

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 and beautiful 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

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge Conditions 7 and 9 of H23-0607-22 relating to details of verification report and water consumption levels.

Site Description

The site currently forms part of the residential garden to Charnwood, 259 High Road, Whaplode and is manicured lawn. The eastern boundary is currently made up of a 2.1m high brick wall which extends across the front boundary.

History

H23-0485-19 - Residential development - single plot - Approved 18 July 2019.

H23-0607-22 - Erection of Dwelling & Detached Garage - Approved 25 August 2022.

H23-0541-23 - 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) - Approved 13th November 2023

Consultation Responses

No consultation response received

Planning Considerations

Condition 7

Condition 7 reads as follows:

"If contamination of land and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition 6 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 report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation objectives and criteria has been fully met.

Note: The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

Reason: To ensure the satisfactory remediation of contaminated land and/or waters.
This Condition is imposed in accordance with Condition 30 of the South East Lincolnshire Local Plan, 2019."

Despite being contacted multiple times, no consultation response has been received from SHDC Environmental Protection department in relation to the details submitted. As this body requested the imposition of condition 7, it is not considered that this condition can be discharged without receiving this response. As such, the LPA are unable to recommend the discharge of condition 7 at this time.

Condition 9

Condition 9 reads as follows:

"The water consumption of the dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the

requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of the dwelling.

Reason: To protect the quality and quantity of water resources available to the district.
This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019."

The submitted details have demonstrated that water consumption would conform the requirements of the condition. Therefore, the requirements of condition 9 have been met; however, the condition cannot be discharged at this time as the requirements of condition 7 have not been met.

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

No consultation response has been received from the relevant party within the allotted time frame. As such, the LPA are unable to recommend the discharge of condition 7 at this time.