

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H01-1045-24	Applicant:	713 Homes Ltd.
Proposal:	Details of external materials, landscaping & tree planting, means of surface water disposal, means of foul water disposal, existing & proposed site levels & proposal floor levels, boundary treatments, precautions to be taken to prevent the deposit of mud on public highways, frontage footway & paving and design & positions of all external boxes for gas & electricity supplies and any gas flues & soil vent pipes (Conditions 3, 9, 13, 14, 15, 16, 18, 21 & 22 of H01-0509-23)		
Location:	Pumping Station Mill Drove South Cowbit		
Terminal Date:	6th February 2025		

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 December 2024

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	1	0
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CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks to discharge Conditions 3, 9, 13, 14, 15, 16, 18, 21 & 22 of H01-0509-23. The conditions relate to external materials, landscaping & tree planting, means of surface water disposal, means of foul water disposal, existing & proposed site levels & proposal floor levels, boundary treatments, precautions to be taken to prevent the deposit of mud on public highways, frontage footway & paving and design & positions of all external boxes for gas & electricity supplies and any gas flues & soil vent pipes.

Site Description

The application site, to the west of Mill Drove South, forms part of a wider area of brownfield land, formerly used as a railway yard associated with the defunct line that ran through the site.

The land has been left unused for a number of years. The site of the proposed development is within Flood Zones 1 as shown on the Environment Agency's Flood Zone maps.

It is also noted that the site located to the north has also been subject to permission for residential development, with an ongoing proposal currently being considered by the Local Planning Authority.

Relevant History

H01- 0871-18 - Outline - Residential development - up to 45 dwellings, including re-alignment of Mill Drove to Stonegate Road junction - Approved 15.03.2019

H01-1170-22 - Outline - Residential Development - Approved 16.03.2023

H01-0509-23 - Full - Proposed Residential Development of Four Detached Dwellings - Approved 22.11.23

H01-0098-24 - Prior Approval App - Conversion of Barn to Dwelling - Approved 23.04.2024

H01-0076-24 - Discharge of Conditions - Details of written scheme of archaeological investigation, verification report & construction management (Conditions 4, 12 & 17 of H01-0509-23) - Discharged 26.03.2024

H01-0921-24 - Discharge of Conditions - Details of external materials of construction of buildings & hard surfaced areas, photographic building recording report, Biodiversity Net Gain Plan, scheme of landscaping & tree planting, contamination of land or pollution of controlled waters, surface water disposal, foul water disposal, site & floor levels, prevent the deposit of mud on public highways by vehicles travelling from the site during construction, frontage footway extended North to make connection at the access, with a suitable pedestrian crossing points with tactile paving to make connection with the existing footway on the opposite side of Mill Drove South & external boxes for gas & electricity supplies & of any gas flues & soil vent pipes (Conditions 3, 7, 8, 9, 11, 13, 14, 15, 18, 21 & 22 of H01-0509-23) - Refused 12.11.2024

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Environmental Protection

"No comments regarding discharge of conditions 3, 9,13, 14, 15, 16, 18, 21 and 22."

Highway and Lead Local Flood Authority

Initial comments, received 19/12/24

"The details of external materials, landscaping & tree planting, means of surface water disposal, means of foul water disposal, existing & proposed site levels & proposal floor levels, boundary treatments, precautions to be taken to prevent the deposit of mud on public highways, frontage footway & paving and design & positions of all external boxes for gas & electricity supplies and any gas flues & soil vent pipes (Conditions 3, 9, 13, 14, 15, 16, 18, 21 & 22 of H01-0509-23) are acceptable in accordance with the submitted drawings and details with this application."

Further comments, received 06/01/25

"Lincolnshire County Council have no objection to Amendment 1 - Additional details for wheel wash, foul water and meter boxes (24/672/PA/001A) in relation to this planning application."

South Holland Internal Drainage Board

"I note that this application seeks to evidence compliance with condition 13 of H01-0509-23, which states; Before the commencement of the development hereby granted beyond oversite, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. Whilst the applicant has indicated the locations of soakaways serving the individual dwellings, I cannot see that the applicant has supplied evidence, such as ground investigation and testing, that soakaways are viable in this location. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development Control Charges and Fees."

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Condition 3

Condition 3 of H01-0509-23 reads:

"Prior to the commencement of any development hereby permitted, a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority.

The schedule of materials shall be accompanied by a statement, detailing the use of materials from the 'Engine Shed' to be demolished, along with a detailed statement outlining the method of retaining such materials.

The development shall be constructed in accordance with the materials so approved."

The details submitted show that the following materials shall be used for plots 1 - 3:

- " - TBS Old Cottage Blend Facing Brick
- Marley Dark Grey Interlocking Roof Tiles
- Black fascia, soffit and rainwater goods
- White UPVC windows and doors"

Plot 4 shall be constructed of the above materials, albeit with bricks reclaimed from the demolished engine shed, which is to be dismantled by hand.

The submitted information appears acceptable and meets the requirements of condition 3. As such, it is recommended the condition be discharged.

Condition 9

Condition 9 reads as follows:

"Before the commencement of the development hereby permitted beyond oversight, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

NOTE: The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.1 (or any successor)."

The submitted plans show the planting of two acer and three cherry trees. A section of hedging is proposed along the north-east boundary. While no metric has been submitted, it is clear that these details would result in a biodiversity net gain. As such, it is considered condition 9 can be discharged.

Condition 13

Condition 13 states:

"Before the commencement of the development hereby granted beyond oversight, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use."

Surface water shall be disposed of via the South Holland Internal Drainage Board asset located near to the site. The approach is considered appropriate given the scale of development and existing conditions. The IDB have sufficient powers to ensure suitable discharge rate into their asset. As such, condition 13 can be discharged.

Condition 14

Condition 14 states:

"Before the commencement of the development hereby granted, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use."

It is proposed that foul water shall be disposed of via private drains, the route of which is shown on the relevant plan, before connecting to the main sewer at the road. Given the scale of the site, this is considered appropriate. Condition 14 can be discharged.

Condition 15

Condition 15 reads as follows:

"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 development shall be constructed and retained in accordance with the details so approved.

Note: Site levels and finished floor levels have not been approved. Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place."

Finished floor level shall be set at 3.3AOD, which is 300mm above existing ground level. This is considered appropriate given the flood risk on the site and the requirements of Condition 19. As such, condition 15 can be discharged

Condition 16

Condition 16 reads as follows:

"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.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place."

A 2 metre high boundary fence is proposed along is proposed along all boundaries with the exception of the front. Along the front boundaries of plots 1-3, a 1m high wall is proposed, while plot 4 would have a 1.2m feather edge timber fence.

The treatments are considered appropriate given the on site conditions. The close board fences shall maintain residential amenity, while lower lying frontage treatments ensure a more open plan character. As such, condition 16 can be discharged.

Condition 18

Condition 18 reads:

"Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before commencement of the construction of the development and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development."

It is proposed that there would be a weekly road sweep and that all vehicles shall have their wheels washed prior to leaving the site in the designated area. This approach is consistent with the CMMP approved under H01-0076-24, and is considered appropriate. Condition 18 can be discharged.

Condition 21

Condition 21 reads as follows:

"The development hereby permitted shall not be occupied before a frontage footway (with dimensions to be agreed) and to be extended further North to make connection at the access for application shown on H01-1204-22, with a suitable pedestrian crossing points with tactile paving to make connection with the existing footway on the opposite side of Mill Drove South, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway."

The submission shows a 1.8 metre wide footpath linking north to south. This is considered appropriate given the needs of the site. As such, condition 21 can be discharged.

Condition 22

Condition 22 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."

Boxes shall be located on side elevations, thereby reducing their potential visual impact. The details are considered acceptable and condition 22 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

The details provided are considered to satisfy the requirements of the conditions, and therefore, Conditions 3, 9, 13, 14, 15, 16, 18, 21 & 22 of H01-0509-23 can be discharged.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.