DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H03-1044-24**	**Applicant:**	**Emerald Homes Lincolnshire Limited**
Proposal:	Details of existing and proposed site levels, proposed floor levels, hard surfaced areas, garden/amenity areas, mitigation measures and external materials (Conditions 2 and 4 of H03-0598-24)		
Location:	Home Farm Littleworth Drove Deeping St Nicholas		
Terminal Date:	7th February 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework December 2024

8 Promoting Healthy and Safe communities
12 Achieving well designed places
14 Meeting the challenge of climate change, flooding and coastal change
15 Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of existing and proposed site levels, proposed floor levels, hard surfaced areas, garden/amenity areas, mitigation measures and external materials (Conditions 2 and 4 of H03-0598-24).

Site Description

As host consent.

History

H03-0161-17 - Outline planning application with all matters reserved - Erection of up to 120 dwellings and a village hall and ancillary development. Approved 22.12.2021.

H03-0598-24 - Erection of 119 dwellings and a village hall along with ancillary development including the construction of an attenuation pond - Outline approval H03-0161-17. Approved 7.11.2024.

H03-1043-24 - Details of construction management, mud precautions, bicycle storage/parking, public open space, proposed boundary treatments and bird/bat boxes (Conditions 4, 5, 6, 12, 17 and 20 of H03-0161-17). Undetermined.

Consultation Responses

Lead Local Flood and Highway Authority

No Objections Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

The details submitted to discharge condition 2 in relation to the public highway, attached to H03-1044-24 are acceptable in accordance with approved drawing LDC4244-151C dated 14.01.2025 although this condition was requested by the Local Planning Authority. Some tree species may be subject to change when Section 38 checks progress.

Internal Drainage Board

Picks Home Farm Dyke enters and runs with the southern corner of the site for approximately 70 metres and is afforded the protection of a nine metre byelaw distance.

Requested a drainage strategy to be submitted. Consent would be required if any watercourses are to be altered in any way as part of the development as prior written consent would be required from the Board.

Planning Considerations

Whilst it is noted that the IDB request surface water information, this would be dealt with separately and is not part of this current proposal.

Condition 2 Wording - Site levels

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 at a scale of 1:50 or 1:100 at boundaries showing the relationship with adjoining uses, buildings and ground levels of adjoining properties to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place, particularly if finished floor levels need to increase due to an amended Surface Water Drainage Strategy.

Condition Details

A boundary sectional elevations drawings was submitted. This shows the relational relationship with other levels on adjoining land. The information submitted does not show significant changes in relation to neighbouring properties. The information submitted does not result in an adverse impact upon neighbouring properties. It is not considered that hard surfaced areas and garden amenity areas are significantly higher than other parts of the site.

In terms of finished floor levels, a plot schedule was submitted linking finished floor levels to each plot. This ranged between 3.4m AOD down to 1.9m AOD.

This was checked against Condition 15 of the Outline which requires finished floor levels to be 300mm AOD. Some of the areas are 1.5m AOD. The details accord with the condition.

Large parts of the site are sat behind the main residential streets of this linear village and as a result, there is little evidence that the levels will adversely affect neighbouring properties.

The details are considered satisfactory.

Condition 4 Wording - Materials

Before the commencement of the development hereby permitted beyond oversite 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. This shall include all materials associated with the proposed dwellings and village hall. The development shall be constructed in accordance with the materials so approved.

Condition Details

A plot schedule was submitted which shows a variety of brickwork types including Vanderanden Cottage Mix, Vandersanden Wickford, Vandersanden Corum, Vandersanden Maltkings. These are mottled brick mixes which look acceptable in design terms.

Roof tiles are Calderdale Edge Light Grey, Double Pantile Rustic. Tarmac is to be used for driveways and paving is Marshalls Pendle Utility buff. These details are acceptable in design terms.

Fascia/soffits are to be cream, windows and French doors are to be cream. Rain water good are to be black half round. Stone cills are to be Portland stone. Doors are to by anthracite grey or similar.

The materials are considered satisfactory.

It is considered that condition 4 can be discharged.

Conclusion

The proposals are considered acceptable. Discharge conditions 2 and 4.

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.