DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0837-23**	**Applicant:**	**Holbeach LLP**
Proposal:	Details of landscaping and tree planting and details of surface water drainage scheme (Conditions 3 & 4 of H05-0567-23)		
Location:	Jz Flowers Superflora Washway Road Holbeach		
Terminal Date:	21st November 2023		

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

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well designed development
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

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application relating to conditions 3 and 4 of H05-0567-23. The conditions involve details of landscaping and tree planting and a surface water drainage scheme.

Site Description

The site is outside of any settlement boundary outlined in the South-East Lincolnshire Local Plan, 2019 (SELLP), lying approximately 500m north-west of Fleet Hargate. The site designated as an established employment site within Policy 7 of the SELLP (reference FL001).

The site is a large industrial site situated along the A17. To the north, south and west is agricultural land. To the immediate east is a strip of unused mowed grass, followed by a motel. The general area is characterised by these larger scale commercial units juxtaposed with agricultural land.

Relevant History

H05-0319-95 - Full. Proposed packing and forcing house extension. Approved 04/05/95.

H05-0223-98 - Full. Demolition of existing office/ packing shed and erection of new office. Approved 27/04/98.

H05-0540-99 - Full. Erection of bulb store. Approved 26/07/99.

H05-0166-01 - Full. Change of use from horticulture, erect new buildings for flower/bulb packing, storage & distribution. Approved 15/03/01.

H05-0567-23 - Full. Proposed new concrete area, extension to existing internal concrete roadway including surface water drainage & connection to existing drainage system, erection of 1.8m high boundary fence & external lighting. Approved 22/08/23.

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:

South Holland Internal Drainage Board

An application has been made for Land Drainage Consent. This application is currently under determination. The Board advises that a planning decision is delayed until such time as Land Drainage Consent is granted.

Highway and Lead Local Flood Authority

No objection: The submitted surface water drainage details are acceptable to the Lead Local Flood Authority and so the Authority has no objection to the discharge of Condition 4 of H05-0567-23

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 3

A scheme of landscaping has been submitted. To replace the 50 trees removed under H05-0567-23, 54 trees have been planted to the north of the site. All trees to be planted are native, berry producing specimens, chosen in order to improve on site biodiversity. The proposed planting scheme is considered acceptable and fulfils the requirements of the condition. As such, condition 3 can be discharged.

Condition 4

A drainage scheme has been submitted, detailing that discharge will be at greenfield rate. The relevant consultees have raised no objection to the proposals; both indicating that the submitted details are acceptable. As such, condition 4 can be discharged.

Conclusion

Conditions 3 and 4 of H05-0567-23 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.