DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0225-22**	**Applicant:**	**Mr M Yould**
Proposal:	Details of external materials, landscaping, boundary treatment, means of foul water disposal and soakaway system for disposal of surface water (Conditions 3, 5, 6, 7 & 8 of H08-1160-18)		
Location:	124 Siltside Gosberton Risegate Spalding		
Terminal Date:	9th May 2022		

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
05	Meeting Physical Infrastructure and Service Needs
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of scheme to deal with external materials, landscaping, boundary treatment, means of foul water disposal and soakaway system for disposal of surface water (Conditions 3, 5, 6, 7 & 8 of H08-1160-18).

Site Description

This is a brownfield site located on the corner of Chesboule Lane and Siltside. There is a vacant pub to the east and a 2 storey property to the rear with detached garage block. Risegate Eau drain is opposite. There are mostly bungalows further west along Siltside and two storey properties further east. The building works have commenced.

History

H08-0170-16 - Outline - Residential Development for 2 no. dwellings - Non-Determination

H08-0249-16 - Outline - Residential Development for 2no dwellings - Approved 16.05.2016

H08-1160-18 - Erection of two chalet bungalows - Approved 05.03.2019

Consultation Responses

Welland & Deeping Internal Drainage Board

The Board has granted consent to discharge the treated effluent from the two plots into the Risegate Eau. The matter of surface water disposal is yet to be resolved with the Board as we are still awaiting development contributions to be submitted to enable the Board to process the applications for consent to discharge surface water into the same watercourse.

We request that this condition is not lifted until this matter has been settled with the Board.

Planning Considerations

The application is to discharge conditions 3, 5, 6, 7 & 8 of H08-1160-18 (external materials, landscaping, boundary treatment, means of foul water disposal and soakaway system for disposal of surface water).

Condition Details

The conditions detail:

Condition 3

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

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

The material schedule is as follows:
-Bricks Wienberger Jewel Multi
-Roof Sandtoft 20-20 dark grey
-Windows Anthracite Grey
-Driveway Marshal Brindle block paving

The proposed materials are considered acceptable given the wide variety of materials present in the street. Bindle block paving is proposed for the drive, paths, and patio areas.

The submitted materials are considered to be in keeping with the character of the area and therefore are acceptable. The condition can be discharged.

Condition 5

Before the commencement of the development hereby permitted beyond oversite, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site 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 in its entirety by the end of 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 applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.

The submitted plan shows very minimal landscaping and tree planting for the site. The gardens are to be lawned with a proposed 300mm high boxed hedge to the front boundary. Although minimal the landscaping details are considered to be acceptable and condition 5 can therefore be discharged.

Condition 6

Prior to its installation, details of the proposed boundary treatment, including a schedule of 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.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

Whilst details have been provided, which include the siting of a 2m high fence and 1.2m high black metal railings, the detail cannot be assessed appropriately in its current form. This is largely due to the submitted plan being unclear to the location of the proposed boundary fencing and the proposed railings. Therefore, the proposal currently lacks the required detail for this to be discharged. The submitted details are considered unacceptable and can therefore not be discharged.

Condition 7

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.

Reason: To ensure that the site is adequately drained and to avoid pollution.

Foul drainage to discharge into Klargester BioDisc BA Single Household Domestic Sewage Treatment Plant with overflow discharging into drain, this is considered acceptable, and can therefore be discharged.

Condition 8

Before the development is commenced beyond oversite, full details of the proposed soakaway system for the disposal of surface water from the development hereby permitted, including percolation test results, shall be submitted to and approved in writing by the Local Planning Authority. Should the percolation test results be considered unacceptable by the Local Planning Authority details of an alternative means of providing for surface water drainage shall be submitted for consideration. The approved means of surface water drainage shall be implemented in full

before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

Limited details have been provided, in that surface water would be discharged into a drain. Consequently, the Internal drainage Board have made the following comments.

"The matter of surface water disposal is yet to be resolved with the Board as we are still awaiting development contributions to be submitted to enable the Board to process the applications for consent to discharge surface water into the same watercourse. We request that this condition is not lifted until this matter has been settled with the Board."

This information has been requested numerus times but is yet to be submitted. As such, it is considered that the detail is not currently in a position to be discharged. Therefore, the condition should not be discharged.

Conclusion

To conclude, for the reasons outlined above, it is considered that the details submitted in relation to conditions 3, 5 and 7 are acceptable and as such can be discharged. However, the details in relation to conditions 6 and 8 lack adequate information and/or comprise unacceptable detail and as such it is the recommendation that these conditions are refused and not 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.