

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-0718-24 **Applicant:** Mr M Yould

Proposal: Details of external materials, landscaping & tree planting, boundary treatment, foul water disposal and soakaway system for the disposal of surface water (Conditions 3, 5, 6, 7 and 8 of H08-1160-18)

Location: 124 Siltside Gosberton Risegate Spalding

Terminal Date: 15th October 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
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 and beautiful places
Section 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

This proposal seeks to discharge Conditions 3, 5, 6, 7 and 8 of planning approval H08-1160-18 relating to details of external materials, landscaping & tree planting, boundary treatment, foul water disposal and soakaway system for the disposal of surface water.

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

H08-0225-22 - Condition Compliance - 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) - Refused 12 December 2023

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:

Welland & Deepings Internal Drainage Board

Further to receipt of the above, I confirm that Welland & Deepings IDB have no comment to make with regard to this application at this stage.

LCC Highway and Lead Local Flood Authority

Recommendation: No objection

The Details of external materials, landscaping & tree planting, boundary treatment, foul water disposal and soakaway system for the disposal of surface water (Conditions 3, 5, 6, 7 and 8 of H08-1160-18) are acceptable in accordance with approved drawings and details submitted with this application.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

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.

Public Representation

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.

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 oversight 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. Brindle 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 oversight, 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.

To the southern boundary a 1.2m picket fence is proposed with a 1.8m high fence proposed to the north and east of the site, on the west side of the site the 1.8m high fence terminates half way along the western boundary with a 1.2m high picket fence continuing along the western boundary towards the southern boundary. The submitted details are considered to be acceptable and can therefore 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."

The details in respect of surface water drainage are considered to be acceptable. The Welland & Deeping Internal Drainage Board have been consulted and have raised no objections. As such condition 8 can be discharged.

Conclusion

The details in relation to these conditions (3, 5, 6, 7 and 8) are acceptable and 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.