

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0034-25 **Applicant:** Mr D & A Rulewski

Proposal: Details of foul & surface water disposal, external-facing materials for the construction of buildings & paved areas, soft landscaping for the site to complement the existing mature hedge to be retained & boundary treatments (Conditions 6, 7, 8 & 10 of H09-1094-21)

Location: 47 Low Lane Holbeach Spalding

Terminal Date: 10th March 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
- 28 The Natural Environment
- 30 Pollution
- 31 Climate Change and Renewable and Low Carbon Energy
- 36 Vehicle and Cycle Parking
- APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework December 2024

- Section 2. Achieving sustainable development.
- Section 3. Plan making.
- Section 4. Decision making.
- Section 5. Delivering a sufficient supply of homes.
- Section 11. Making effective use of land.
- Section 12. Achieving well-designed places.
- 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 | 0 | 0 | 0 | 1 |

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge Conditions 6, 7, 8 and 10, of planning approval H09-1094-21, relating to details of foul and surface water disposal, external-facing materials for the construction of buildings and paved areas, soft landscaping for the site to complement the existing mature hedge to be retained, and boundary treatments.

The original submission included the discharge of Condition 9 (storage and disposal/collection of refuse and recycling), however, as per the correspondence received on 16th February 2025 this condition has been removed from the description and are no longer being assessed within this application.

Site Description

The site is located within the built-up area of Holbeach and is part of the north-eastern edge of the town. The area is predominantly residential, comprising a range of house types, ages, design and appearance.

The site currently hosts a large bungalow (No. 47) with a sizeable garden mainly laid to grass. It is served by a private roadway running between Nos. 45 and 49 which front Low Lane. Immediately to the west there is another access roadway which serves three detached dwellings (The Chestnuts, Rosella and The Willows). The Chestnuts, which is a large house, adjoins the main part of the site.

No. 45a is located to the north. It is a large two-storey detached house that backs onto No. 45 and which obtained full planning permission in 2013 (application ref. H09-0664-13). It is a few metres to the north of No. 47. There is no means of enclosure between these two properties.

History

H09-0424-14 - Condition Compliance - Details of boundary screening along northern and eastern boundaries (Condition 4 of H09-0664-13). Resubmission of H09-0114-14 - Approved 30.07.2014

H09-0801-20 - Full - Erection of four detached two-storey dwellings, two detached garages and demolition of existing bungalow - Approved 25.02.2021

H09-1094-21 - Full - Erection of 4 detached dwellings, 1 detached garage and demolition of existing bungalow - Allowed at Appeal 18.05.2023

H09-0511-21 - Condition Compliance - Details of landscaping, maintenance measures for existing hedge along eastern & southern boundaries, landscape and site management plan, boundary treatment and means of foul & surface water disposal (Conditions 4, 5, 6, 7 & 9 of H09-0801-20) - Approved 03.08.2021

H09-0575-22 - Full - Erection of four detached dwellings, one detached garage and demolition of existing bungalow - re-submission of H09-1094-21 - Approved 24.05.2023

H09-0913-23 - Condition Compliance - Details of Construction Management Plan and Method Statement (Condition 4 of H09-1094-21) - Approved 29.11.2023

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:

South Holland Drainage Board

Byelaw 3 (Surface Water)

The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. 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.

Byelaw 3 (Treated Foul Water)

I note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991

I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the southern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10

There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

LCC Highway and Lead Local Flood Authority

Recommendation: No objection

The details submitted to discharge conditions for foul & surface water disposal, external facing materials for the construction of buildings & paved areas, soft landscaping for the site to complement the existing mature hedge to be retained, storage & disposal/collection of refuse & recycling & boundary treatments (Conditions 6, 7, 8, 9 & 10 of H09-1094-21) are acceptable in accordance with approved drawings and details 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.

Planning Considerations

Condition Details

The conditions detail:

Conditions 6

Prior to the commencement of development beyond oversite, full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full prior to there being any flows into the receiving systems.

Surface Water

The relevant consultees have been consulted during the assessment of this application. LCC Highway and Lead Local Flood Authority have raised no objections. South Holland Drainage Board raised comments during the application, questioning the viability of the proposal, recommending a ground investigation is carried out. It should be noted that, should the investigation prove that the disposal of surface water via infiltration will NOT be suitable, then the applicant will need to provide details of an alternative scheme to the Local Planning Authority. Discharge to any watercourse will require the prior written consent of the Board.

Foul Water

The relevant consultees have been consulted during the assessment of this application. LCC Highway and Lead Local Flood Authority have raised no objections. However, as above the South Holland Drainage Board recommend that the applicant satisfy themselves that the ground conditions are suitable for infiltration.

Taking all the above into the consideration the submitted details are considered acceptable.

Conditions 7

Prior to the commencement of development beyond oversite, a schedule of external-facing materials for the construction of buildings and paved areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details.

The material schedule is as follows:

- Bricks: Wienberger Hathaway Brindle/Heritage Blend
- Roof Double Pan Tiles: Wienberger Sand Toft
- Windows and Doors: UPVC
- Permeable Block Paving: Marshalls Drivestt Tegula Priora Traditional
- Paving: Indian Sandstone

The proposed materials are considered acceptable given the wide variety of materials present in the street.

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

Conditions 8

Prior to the commencement of development beyond oversite, a scheme of soft landscaping for the site to complement the existing mature hedge to be retained (as depicted upon approved plan Ref 001) and to include the number, species, heights and positions of all trees to be planted together with details of post-planting maintenance shall be submitted to and approved in writing by the Local Planning Authority, and shall thereafter be implemented in its entirety during the first planting season following practical completion of the development. Any trees or other plants which within a period of five years from the completion of the development, die, are removed, uprooted, or become significantly damaged, diseased or deformed, shall be replaced during the next planting season with others of the same size, species and quality as approved.

A Landscaping and planting plan has been submitted (006). The submitted plan shows very minimal

landscaping and tree planting for the site. The gardens are to be lawned with the existing mature hedge to be retained along the wider boundary. Proposed Cherry Blossom and Rowan trees are to be planted within the gardens. Although minimal the landscaping details are considered to be acceptable and condition 8 can therefore be discharged.

Conditions 10

Prior the first occupation of the development, full details of intended boundary treatments, including a schedule of fencing levels, heights, and materials, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full prior to the first occupation of the development and retained thereafter.

To the northern boundary of the site and along the southern boundary of Plot 4 a 2m brick wall with timber infill panels is proposed. To the eastern and western boundary, the existing hedge is to remain. The boundary treatments between Plots 1, 2 and 3 are proposed to be a 1.95m timber double sided tongue and groove fence with concrete posts and gravel boards. Along the boundary to the access road and the western boundary the existing boundary fence is to remain. The submitted details are considered to be acceptable and can therefore be discharged.

Conclusion

To conclude, for the reasons outlined above, it is considered that the details submitted in relation to Conditions 6, 7, 8 and 10 are acceptable and as such 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.