DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0439-23**	**Applicant:**	**Harrison & Cooke Ltd**
Proposal:	Details of external materials, surface water disposal, landscaping & tree planting, construction management and deposit of mud. (Conditions 3, 4, 8, 13 and 14 of H09-0980-21)		
Location:	Land North Of Tudor Lodge Fen Road Holbeach		
Terminal Date:	31st January 2024		

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

National Planning Policy Framework 2023

12 Achieving well-designed and beautiful places
14 Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1

CASE OFFICER ASSESSMENT

Proposal

Condition Compliance proposal. Details of external materials, surface water disposal, landscaping & tree planting, construction management and deposit of mud. (Conditions 3, 4, 8, 13 and 14 of H09-0980-21).

Site Description

As per host consent.

History

H09-0980-21 - Residential Development comprising 5 detached dwellings of a private drive - Approved 3rd May 2022.

Adjoining development site - Land Off Fen Road, Holbeach

H09-0784-21 - Erection of 38 dwellings with associated roads and sewers - Approved 3rd February 2022.

H09-0515-18 - Change of use of premises from B1 (Business) to D2 (Assembly & Leisure) (re submission of H09-0235-18). Refused. 18 July 2018.

H09-0235-18 - Change of use from B1 (Business) to D2 (Assembly / Leisure) . No building works to be taking place outside the premises. Internal work short term to update the premise to a gym. Refused 27 April 2018. Appeal dismissed 8 Jan 2019.

Consultation Responses

LCC Local Highway Authority and Lead Local Flood 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.

Internal Drainage Board

Consent is not required as a result of Byelaw 10.

Consent is not required as a result of Section 23, Land Drainage Act, 1991.

Consent may be required under Byelaw 3 in terms of no evidence being submitted about whether or not infiltration is feasible. The IDB recommends infiltration testing in line with BRE Digest 265 if onsite material is considered favourable for infiltration. If not feasible, and surface water is to be discharged into a watercourse, consent from the IDB would be required under Byelaw 3. Any discharge should be in line with the Non-Statutory technical standards for sustainable drainage systems (SuDs). The board is unlikely to grant consent for discharges in excess of the greenfield rate.

If treated foul water is to be discharged to a watercourse, the consent of the Internal Drainage Board would be required under Byelaw 3.

Should the proposals change to include works to alter the watercourses, or if works are proposed to alter the watercourses at any time in the future, consent would be required under the Land Drainage Act 1991 (byelaw 4).

Consent under Byelaw 10 would be required if works were to occur within 9 metres of the Board maintained watercourse.

No objection was submitted by the IDB in relation to surface water.

SHDC Environmental Protection

No comments. Standard working hours condition to be applied.

Planning Considerations

This application is to consider details associated with the approved consent. The conditions and details are as follows:

Condition 3

Condition Wording

Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of the construction of the 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.

Condition Detail

The application is supported by a detailed schedule of materials, which include Clipsham Stone, Forterra Brick, Marley Weatherboard Cladding in black, and concrete pantiles (Sandtoft). These materials are considered satisfactory and this aspect of the condition can be discharged.

Condition 4

Condition Wording

Before the commencement of the development hereby granted beyond oversite, full details of the means of surface 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.

Condition Detail

Plan TL-SH-PSP-AR-01 shows the surface water details associated with the proposal that the IDB has commented on. It states that surface water shall be disposed of by soak away systems to approved document H.

The Lead Local Flood Authority make no comments in relation to surface water.

The Internal Drainage Board raise no objection to the details, but recommend evidence of infiltration testing to ensure that consent is not required under Byelaw 3.

Consent is not required under Byelaw 10 or Section 23, Land Drainage Act 1991.

It is considered that notes relaying the information from the IDB can be attached to the decision notice.

The details are considered reasonable to discharge this condition.

Condition 8

Condition Wording

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 (including screening of bin collection points) 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 and completed in its entirety during 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 submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.0 (or any successor).

Condition Detail

There is a 2m high acoustic timber fence tight up against existing Leylandii along the eastern boundary, Gardens are to be to lawns and general shrubs, although the species are not specified. Other external landscape finishes are block paved entrance road, lawn areas, planted areas, planted shrubs, fine bar timber gates, and gravel driveways.

The landscaping relate to standard landscaping in a small development.

Overall these details are considered satisfactory.

Condition 13

Condition Wording

A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along Fen Road and residential amenity.

Condition Detail

A construction management plan has been submitted with the application.

The Local Highway Authority does not object to the proposals in terms of the construction management plan. Environmental Protection also does not raise an objection to this condition detail. Therefore the details are considered satisfactory and can be discharged.

Condition 14

Condition Wording

Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before commencement of the construction of the development and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development.

Condition Detail

The submitted Construction Management Plan demonstrates that the site will have wheel washing facilities to prevent mud going onto the road.

The Local Highway Authority does not object to the proposals in terms of the prevention of mud on the roads. No objection has been received from Environmental Protection. It is considered that the details to prevent mud on the road are therefore satisfactory.

Other Matters

SHDC Environmental Protection requested a condition in relation to standard working hours. It is not possible to put a condition on a condition compliance application. A note will be added to the decision notice instead to confirm that working hours should be restricted to 7.30am until 6pm Mondays to Fridays and 8am until 1pm on Saturdays and at no time on Sundays and Bank holidays.

Conclusion

It is considered that the details are satisfactory 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.