DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0468-25**	**Applicant:**	**Kings Civils**
Proposal:	Details of external materials, hard surfaced areas, surface water disposal, private refuse/recycling collection, management of private drive and adjacent open space/landscaping, landscaping/tree planting and proposed boundary treatments (Conditions 3, 4, 8, 9 and 10 of H09-0950-22)		
Location:	Plot 9 Land South Of Tudor Lodge Fen Road		
Terminal Date:	11th July 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
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
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

National Guidance

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 application seeks to discharge conditions 3, 4, 8, 9 and 10 of permission H09-0950-22. The conditions relate to the following:

-Condition 3 (External Materials);
-Condition 4 (Surface Water Disposal);
-Condition 8 (Refuse Collection);
-Condition 9 (Landscaping and Tree Planting); and
-Condition 10 (Boundary Treatments).

Permission H09-0950-22 granted consent for nine dwellings on land to the south and west of Tudor Lodge, Fen Road, Holbeach. The current submission relates only to plot 9. The details for plots 1 to 8 are not included.

Site Description

The site comprises a substantial, extended inter-war dwelling set in extensive grounds, on the western side of Fen Road, within the settlement of Holbeach. The application site consists of part of a paddock area of an agricultural holding, within the settlement boundary of Holbeach.

Relevant Planning History

H09-0980-21: (Full Application) Land North of Tudor Lodge. Residential development comprising 5 detached dwellings off a private drive - approved 03-05-22

H09-1260-21: (Prior Notification) Land at Tudor Lodge Fen Road. Change of use of agricultural building to dwelling - approved 12-01-2022

H09-0950-22: (Full Application) Residential Development - 9 dwellings - approved 31 January 2023

H09-0327-23: (Discharge of Conditions) Details of written scheme of archaeological investigation (Condition 12 of H09- 0950-22) - approved 19 April 2023

H09-0407-25: (Full Application) Proposed Detached Garage - refused 08 July 2025

Consultation Responses

South Holland District Internal Drainage Board: The applicant has indicated that they wish to discharge treated foul water to a watercourse following treatment via a package treatment unit. This proposal will require consent under Byelaw 3.

Lincolnshire County Council - Highways and SUDS: No objections. The details submitted to discharge Details of external materials, hard surfaced areas, surface water disposal, private refuse/recycling collection, management of private drive and adjacent open space/landscaping, landscaping/tree planting and proposed boundary treatments (Conditions 3, 4, 8, 9 and 10 of H09-0950-22 are acceptable in accordance with approved drawings and details submitted with this application.

Key Planning Considerations

Permission H09-0950-22 granted consent for nine dwellings and the submitted details only relate to one of these dwellings, plot 9. In the opinion of the Local Planning Authority, the conditions cannot be part discharged for plot 9 only. The wording of the conditions requires details for the wider site, rather than individual plots. For example, condition 4 requires drainage details for the site and as such, details of the overall drainage strategy need to be provided.

Furthermore, permission H09-0950-22 has been unlawfully implemented as works have commenced, however, some of the pre-commencement conditions have not been discharged. Some of these conditions appear to go to the "heart" of the permission. As such, permission H09-0950-22 has been invalidated.

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.

Conclusion

The conditions cannot be discharged for plot 9 only.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused under delegated authority.