

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0683-24 **Applicant:** Mr & Mrs J Matthews

Proposal: Details of external boxes for gas & electricity supplies & gas flues & soil vent pipes, landscaping & tree planting, boundary treatment & foul & surface water disposals (Conditions 4, 5, 6 & 9 of H09-0126-24)

Location: The Old Brickyard Farmhouse Peartree House Road Holbeach

Terminal Date: 18th 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
07	Improving South East Lincolnshire's Employment Land Portfolio
09	Promoting a Stronger Visitor Economy
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 4: Decision-making
Section 6: Building a strong, competitive economy
Section 9: Promoting sustainable transport
Section 12: Achieving well-designed and beautiful 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 INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge Conditions 4, 5, 6, and 9 of planning approval H09-0126-24, relating to details of the design and position of all external boxes, gas flues & soil vent pipes, scheme to deal with contamination and ecological biodiversity measures. Landscaping and tree planting, details of boundary treatments and foul and surface water disposals.

Site Description

The application site is located on Peartree House Road, Holbeach. The immediate area is characterised by mainly countryside with a small number of agricultural buildings to the north and north east with dwellings scattered along the road.

History

H09-0126-24 - Full - Conversion & Extension of Barn to Holiday Let - Approved 18 April 2024

H09-1378-06 - Full - Change of use from agricultural to domestic garden - Approved 24 November 2006

H09-0458-08 - Condition Compliance - Details of existing hedge works to trees (Conditions 2 and 3 of H09-1378-06) - Approved 16 April 2008

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 Internal 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 treat foul waste using a package treatment plant, which appears to then discharge to soakaways. As above, I would recommend that the applicant satisfy themselves that the ground conditions are suitable for infiltration. 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 am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a 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 Objections

The details submitted to discharge condition 6 attached to H09-0126-24 are acceptable in accordance with approved drawing 4110-22-02E dated August 2024. The boundary treatments for the site boundaries will be the same as existing. Conditions 4, 5 & 9 are not highway conditions, it is for the LPA to assess/comment.

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

Condition Details

The conditions detail:

Condition 4

Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.

Reason: To ensure that the Local Planning Authority retains control over these details 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.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and Section 12 of the National Planning Policy Framework, December 2023.

To the southern elevation an electric box is proposed. The location of this election box is considered acceptable and 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 (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 3.1 (or any successor).

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, and that Biodiversity Net Gain will be achieved. This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

A Landscaping and Planting plan has been submitted. The existing trees and hedge to the eastern elevation are to be retained. Beyond the hedge on the eastern boundary heading along the northern boundary a wild meadow is proposed bordered with a flower border comprising the following:

- Evening Primrose (*Oenothera biennis*)
- Sweet Rocket (*Hesperis matronalis*)
- Honeysuckle (*Lonicera* sp)
- Lavender (*Lavendula* sp)
- White Jasmin (*Jasminum officinale*)
- Night-scented Catchfly (*Silene noctiflora*)
- Night-scented Stock (*Matthiola longipetala*)
- Soapwort (*Saponaria officinalis*)

Mixed shrubs are proposed to be planted in front of the northern elevation, to the south flowering lawns are proposed along with planting of a Silver birch and whitebeam.

The planting of the hedge is to be double row staggered, with the distance between plants to be 300mm. The distance between rows are to be 450mm. All as specified by The Woodland Trust. All planting to be in accordance with BS 4428:1989 and amendment No. 1 (1991). All trees to be planted with minimum 0.6m plastic mulch mat and to be staked, tied and (d) Buckthorn (*Rhamnus Cathartica*) tubed. 1/3 to 1/2 bag of peat free tree and shrub planting compost to be incorporated into backfill for each tree hole.

When assessing the location of the proposed trees and shrubs the officers consider the landscaping details to be adequate in order to satisfy the condition.

Taking into account the proposed landscaping for the site is considered acceptable therefore condition 5 can be discharged.

Condition 6

Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and 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 and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

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

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

The existing 1.8m high wooden fence is to remain along all boundaries. To the eastern boundary the existing trees and hedge is to remain.

Taking all the above into the consideration the submitted boundary treatments are considered acceptable.

Condition 9

Before the commencement of the development hereby granted beyond oversight, 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 before there are any flows into the receiving systems.

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

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2023.

Surface Water

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

As above the South Holland Drainage Board recommend that the applicant satisfy themselves that the ground conditions are suitable for infiltration.

In conclusion, on balance, the details are acceptable and should be discharged. Should the ground investigation prove that the disposal of surface water via infiltration will NOT be suitable, and the ground conditions are not suitable for infiltration with regards to the foul water, this would not satisfy the condition as submitted.

Conclusion

The details in relation to Conditions 4, 5, 6 and 9 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.