

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0839-23 **Applicant:** Dyson Farming Ltd

Proposal: Details of finished floor levels, contamination of land or pollution of controlled waters, landscaping and tree planting and storage and disposal of refuse and recycling (Conditions 5, 8, 9 and 16 of H09-0906-20)

Location: Hospital Cottage Leadenhall Road Holbeach St Marks

Terminal Date: 20th November 2023

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
30	Pollution

National Guidance

National Planning Policy Framework 2023

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks the discharge of planning conditions attached to H09-0906-20 which sought (and achieved) planning permission for the conversion of two redundant agricultural barns into two holiday lets.

The applicant is seeking the discharge of conditions 5, 8, 9 and 16 attached to planning permission H09-0906-20.

Site Description

The barns are located in open countryside at the north-eastern end of Leadenhall Road some 2.2km to the north of the village of Holbeach St Marks. They are presently separated by a large concrete pad. Residential property (Hospital Cottage) is situated to the west of the site.

The Leadenhall Farm complex is some 700 metres to the south-west. The application site is located within flood zone 3 of the Environment Agencies Mapping Systems for planning.

History

H09-0906-20 - Conversion of two redundant agricultural barns into two holiday lets. Approved 04-12-20

Consultation Responses

Environmental Protection

I have reviewed the Evolve Geo-Environmental Limited 'Preliminary (Geo-Environmental) Risk Assessment (PRA) Barns at Hospital Cottages, Leadenhall Farm Project No. EGE-23- 07-15-01 dated 11/8/23. I am in general agreement with the findings and recommend discharge of condition 8 of H09-0906-20 in full.

Planning Considerations

The applicant seeks the discharge of conditions 5, 8, 9 & 16 attached to planning permission H09-0906-20. The conditions relate to the following:

- Condition 5 - Finished Floor Levels
- Condition 8 - Land Contamination
- Condition 9 - Landscaping
- Condition 16 - Refuse & Recycling

Condition 5 - Finished Floor Levels

Condition 5 states that before work is commenced on the floor of the buildings, and notwithstanding information accompanying the application, details of finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved

The floor level for the two barns be raised 180mm above the existing slab level.

The planning permission attached a compliance condition that the development should be carried out in accordance with the submitted FRA. These details provide ongoing mitigation in terms of flood risk. Part of the condition stated that 'Finished floor levels shall be set as high as practicable above existing ground level' the officer report also acknowledged that the barns are constrained by their existing height, 'Floor levels could be raised, but the maximum height that could be achieved would be governed by the available ceiling height'.

Other mitigation measures include;

- Flood resilient construction shall be incorporated within the development up to 300mm above finished floor level;
- Safe refuge shall be provided above ground floor level within each unit, including an escape roof light;
- 0.6 metre high demountable flood barriers shall be installed on all external doorways; - A
- Flood Warning and Evacuation plan shall be prepared and displayed on site prior to occupation and no units shall be occupied when a Serve Flood Warning has been issued by the Environment Agency.

It is therefore considered given that the increase in finished floor levels above what is proposed is impractical, and that other mitigation measures to protect against flooding exist then the set level of 180mm is acceptable in this instance. Condition 5 of H09-0906-20 is therefore discharged

Condition 8 - Land contamination

Condition 8 states that 'No work shall be commenced on the buildings until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA) and until the measures approved in that scheme have been implemented.'

The applicant has provided a Geo-Environmental Risk Assessment - provided by Evolve Geo-Environmental Ltd.

Environmental Protection have reviewed the submission and have no objections to the discharge of condition 8.

Therefore condition 8 of H09-0906-20 is therefore discharged.

Condition 9 - Landscaping

Condition 9 states Prior to practical completion of the development hereby permitted, 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 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'.

Landscaping is shown on the Landscaping and Boundary Treatment Plan (Drawing Number 408-CD-01). It shows a scheme of planting in between the two holiday lets. There are also grassed areas proposed as well as low fencing and mixed species hedge planting. The fences are post and rail.

The scheme is appropriate for the open countryside location as well as providing and acceptable levels of amenity for the proposed holiday lets. The scheme would not be detrimental to a harmful level to the existing dwellings to the north.

Condition 9 is therefore discharged.

Condition 16 - Refuse & Recycling

Condition 16 states 'No part of the development hereby permitted shall be occupied before details of the means of storage and disposal of refuse and recycling have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the units are brought into use and shall thereafter be retained.'

Storage of Refuse & Recycling Bins are also shown on the Landscaping and Boundary Treatment Plan - Drawing Number 408-CD-01. These are positioned close to each individual holiday let and represent an acceptable amount of provision.

Conclusion

The information submitted in support of the discharge of conditions 5, 8, 9 & 16 attached to planning permission H09-0906-20 is considered acceptable. The conditions are hereby 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.