DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0061-24**	**Applicant:**	**Pinchbeck Parish Council**
Proposal:	Details of surface water disposal, footway, landscaping & tree planting & external materials (Conditions 4, 7, 8 & 9 of H14-0262-23)		
Location:	Land Off Blue Gowt Lane Pinchbeck Spalding		
Terminal Date:	19th March 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
05	Meeting Physical Infrastructure and Service Needs
28	The Natural Environment

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 9 - Promoting sustainable transport
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
PARISH COUNCIL	0	0	1	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge conditions 4, 7, 8 and 9 attached to planning application H14-0262-23. The conditions relate to the following:

- 4 (surface water disposal)
- 7 (footway)
- 8 (landscaping and tree planting)
- 9 (external materials)

Site Description

The application site measures 3.17ha and is located immediately adjacent to the settlement boundary of Pinchbeck, as set out in the South East Lincolnshire Local Plan (SELLP). Pinchbeck is considered to be a Main Service Centre, as defined in the SELLP. The proposed development site is shown to be within Flood Zone 3a 'High Probability' as detailed on the Environment Agency's Flood Zone Maps without defences, and as defined in Table 1 of NPPG. The site comprises two agricultural fields, is roughly triangular in shape and is largely flat with few features. The western boundary is characterised by the railway line and the entire eastern boundary is adjacent to Blue Gowt Lane to a point where it meets Market Way. The northern boundary is characterised by the rear garden boundaries of dwellings on Penway Drive. The two other boundaries are characterised by sporadic native planting. North of the application site is Pinchbeck, with agricultural land to the east and south, and a railway line to the west

History

H14-0262-23 - Proposed cemetery, storage building and parking and use of land as an informal Public Recreation Area - approved under H14-0286-22. Modification of Condition 2 to allow amendments to previously approved plans. Approved 24-04-23

Consultation Responses

Highways
The details submitted for the surface water drainage and footway construction are acceptable in accordance with approved drawing 1356-3_CC_SP01 Rev A dated 18-01-24. A minor works agreement will still be required for the changes to the vehicle access to a footpath.

IDB
I am pleased to see that a sustainable approach has been taken to dealing with potential surface water run-off created. Prior to works commencing on site, an application for consent to alter a watercourse will need to be submitted to the Board for the proposed vehicular access to cross over the existing private dyke.

Parish
No Comment

Planning Considerations

The applicant has submitted relevant information that is discussed under the sub headings below:

Condition - 4 (surface water disposal)

The applicant is required to provide:

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 applicant has provided a plan which shows a roadside filter drain that captures run off from the road. A soakaway is located to capture run off from the proposed car park. Highways/LLFA have confirmed that the solution is acceptable. The IDB have no objections.
This condition was imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition- 7 (footway)

The applicant is required to provide:

The development hereby permitted shall not be brought in to use until a 1.5 metre wide footway, to connect the development to the existing footway network (either along the road side or via direct access to the car park), has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority

The applicant has shown a footway connection from the application site to the main road. Highway have confirmed gain that these works are acceptable subject to an informative highlighting that a minor works agreement is required between the landowner and County Council.

Condition - 8 (landscaping and tree planting)

The applicant is required to provide:

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

The applicant has provided both a landscaping plan as well as tree planting documentation. The plans show that a mix of bulb planting and fruit tree planting will take place across the site, this confirms that a total of 210 individual trees will be planted in linear rows at 4m centres, made up of a mix of Plum, Apple, Cherry, Green Gage & Pear. The proposed scheme is considered to be acceptable.

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

Condition - 9 (external materials)

The applicant is required to provide:

Before the commencement of the storage building and car parking areas hereby permitted beyond oversite a schedule of external materials shall be submitted to and approved in writing by the Local Planning Authority.
The applicant has provided information as regards the materials of the storage building as well as shown car parking areas on plan, which appears to be a bonded surface. The building is to be made up from red facing brick and black smooth slate tiles: These are considered acceptable.

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

Conclusion

Conditions 4, 7, 8 and 9 attached to planning application H14-0262-23 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.