DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0294-26**	**Applicant:**	**Burmor Construction Ltd**
Proposal:	Details of existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment) - (Condition 11 of H14-0117-22)		
Location:	Land East Of Surfleet Road Pinchbeck Spalding		
Terminal Date:	21st May 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk

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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge condition 11 of permission H14-0117-22. Condition 11 requires details of the site levels to be submitted and approved. Permission H14-0117-22 granted consent for 37 affordable dwellings.

Site Description

The site is within the settlement boundary of Pinchbeck, within a mostly residential area. A private watercourse abuts the south and east boundary of the wider site, which conveys runoff south-east and ultimately to "Captains Drain" around 150m to the south of the site.

Relevant Planning History

H14-0557-22: (Outline Application) Development of 4 self-build plots - approved 21 December 2022

H14-0117-22: (Full Application) Development of 37 Affordable Dwellings - approved 21 December 2022

H14-0287-23: (Discharge of Conditions) Details of archaeological investigation. (Condition 7 of H14-0117-22) - approved 14 April 2023

H14-0368-23: (Discharge of Conditions) Details of construction management plan, wheel washing, estate road phasing & completion plan, site levels and surface water drainage scheme (Conditions 3, 4, 6, 11 & 17 of H14-0117-22) - approved 23 February 2024

H14-0252-24: (Discharge of Conditions) Details of landscaping & tree planting, hedge planting, publicly accessible open space & foul water drainage scheme (Conditions 12, 13, 14, & 18 of H14-0117-22) - approved 16 May 2024

H14-0325-24: (Discharge of Conditions) Details of written scheme of archaeological investigation (Condition 9 of H14-0117-22) - approved 16 May 2024

H14-0699-25: (Discharge of Conditions) Details of 1.8 metre wide footway, to connect the development to the existing footway network (Condition 5 of H14-0117-22) - approved 10 September 2025

H14-0055-26: (Discharge of Conditions) Details of existing & proposed site levels and proposed floor levels of buildings, hard surfaced areas and garden/amenity areas (Condition 11 of H14-0117-22) - refused 18 March 2026

H14-0296-26: (Non Material Amendment) Development of 37 Affordable Dwellings - Approved under H14-0117-22. Amendment to the parking arrangement & frontage of Plot 37 - approved 15 April 2026

Consultation

No consultation was undertaken in this instance as this was not considered to be necessary based on the submitted details; however, Pinchbeck Parish Council responded to confirm they had no comments on the proposals.

A representation from a member of the public has also been received within which it is requested that swift nesting bricks are incorporated into the development. This is not relevant to the current application as condition 11 only relates to the site levels; however, condition 15 of permission H14-0117-22 requires 3 swift next bricks to be installed into each dwelling within the site.

Key Planning Considerations

Condition 11 reads as follows:

"Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example

increased height of boundary treatment), 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.

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: To reduce the risk of flooding of the development and to ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent development and within the street scene. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021."

As set out previously, condition 11 was previously discharged under application H14-0368-23 on 23 February 2024. The current application seeks to re-discharge the condition by updating the approved levels details.

An NMA application has recently been approved which allows for minor amendments to the original layout (ref: H14-0296-26). The levels plan that has been submitted with the current application is consistent with the layout that was approved within the NMA.

The approved Flood Risk Assessment required the finished floor levels of dwelling to be 0.3m above the 100-year+40% climate change AEP flood level. It is considered that the proposed levels would be consistent with this requirement.

The proposed levels are similar to the previously approved levels and it is considered that the details are acceptable in terms of the visual and amenity impact. As such, condition 11 can be re-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.

Conclusion

The details address the requirements of condition 11 of permission H14-0117-22.

Recommendation

Discharge condition 11.