DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0485-23**	**Applicant:**	**Mr & Mrs M Thomas**
Proposal:	Details of surface water disposal, landscaping, tree planting and proposed boundary treatments. (Conditions 4, 5 and 6 of H14-0449-22)		
Location:	Land Off Glenside North Pinchbeck Spalding		
Terminal Date:	31st July 2023		

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
19	Rural Exception Sites
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 5 - Delivering a sufficient supply of homes
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
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	2
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge conditions 4, 5 and 6 of planning approval H14-0449-22, relating to details in relation to surface water disposal, landscaping, tree planting and proposed boundary treatments.

Planning approval H14-0449-22 granted full planning application for the erection of a self-build zero carbon home.

Site Description

The application site is greenfield in nature and forms part of a wider agricultural field that extends to the north. There are residential properties adjoining the site to the east and west, however built development in the vicinity of the site is limited and sporadic, and the overriding character of the area is rural. The application site wraps around the rear of Glenholme. The River Glen is opposite the site, beyond which are extensive agricultural fields and very few dwellings.

History

H14-0449-22 - Erection of a Self-Build Zero Carbon Home (Re-Submission of H14-1299-21) - Approved March 2023

H14-1299-21 - Erect self-build zero carbon dwelling - Refused February 2022.

H14-0297-21 - Proposed dwelling and garage - Withdrawn May 2021.

Consultation Responses

Pinchbeck Parish Council

The Parish Council asks that all UK native species are used in the tree planting.

Black Sluice Internal Drainage Board

Whilst the applicant has indicated that crate soakaways are to be used, the applicant has also indicated "subject to percolation test". Until such details are provided, the Board believes this condition can not be satisfied.

Following further comments:
On the basis of the response agents, and provided that you are happy as the consenting authority, the Board have no further comments.

However, should the percolation tests prove that soakaways will NOT be suitable, then the applicant will need to provide details of an alternative scheme to the LPA. Discharge to any watercourse will require the prior written consent of the Board.

Highways & SUDS Support

Recommendation: No objection

The details submitted to discharge conditions 4,5 and 6 surface water disposal, landscaping, tree planting and proposed boundary treatments attached to H14-0449-22) are acceptable in accordance with approved drawings 542.DD.01 and 542.LD.01 dated 6th January 2023.

Please note the comments made by Black Sluice Internal Drainage Board as follows:- Whilst the applicant has indicated that crate soakaways are to be used, the applicant has also indicated "subject to percolation test". Until such details are provided, the Board believes this condition cannot be satisfied.

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Planning Considerations

This application relates to conditions 4, 5 and 6 of the host permission, H14-0449-22.

Condition Details

The conditions detail:

Condition 4

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 details so approved shall be implemented in full before the development hereby permitted is first brought into use.

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

Black Sluice Internal Drainage Board have raised comments during the application, following the first consultee comments received, further information was requested from the agent.

The agent then confirmed the flowing:

We note the comments from Black Sluice, however it is our intention to carry out the percolation tests in accordance with Part H of the Building Regulations during the construction phase of the project. This is not an unusual approach for a single dwelling and has been approved by SHDC Building Control team under reference B14-0881-22. The building control team will supervise the percolation test and the installation of the soakaway.

Following the further information, the Black Sluice Internal Drainage Board confirmed that the Board have no further comments.

It should be noted that, should the percolation tests prove that soakaways 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.

In conclusion, on balance, the details are acceptable and should be discharged. Should the percolation tests prove that soakaways will NOT be suitable, this would not satisfy the condition as submitted.

Condition 5

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 (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.

Landscaping and a boundary treatment plan has been submitted. The proposed tree species would consist of Prunus x Subhirtella, Sorbus, Malus and Prunus domestica. Within the plan the proposed tree planting is as follows:

-Four new trees proposed along the western boundary, as well as retaining the existing trees.
-To the north west boundary there is a proposed orchid
-Along the north boundary there are three trees proposed
-To the east of the dwelling is one tree proposed

It is noted that the condition, as attached, specifically refers to Biodiversity Metric 3.1. The proposal shows a Biodiversity Net Gain and although the details has not been submitted utilising the metric, 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.

To the northern boundary 1.2m post and rail fencing is proposed along with a new native species hedge running alongside the fencing. To the east and southeast boundary is proposed hedging.

Along the western boundary tree planting is proposed, along with the retention of the existing trees.

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

Conclusion

The details in relation to these conditions (4, 5 & 6) 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.