

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H17-0831-24 **Applicant:** NNA Surfleet Limited

Proposal: Details of self-build properties, site & floor levels, hard surfaced areas & garden/amenity areas, foul & surface water disposal, construction management plan & method statement, works to trees & means of construction, drainage & surfacing of the access drive including a method statement for the protection of existing trees (Part Conditions 3, 7, 8 & 12 & Full Conditions 14 & 15 of H17-0357-22)

Location: Land Off Thary Lane Surfleet Spalding

Terminal Date: 2nd December 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
30	Pollution

National Guidance

National Planning Policy Framework December 2024

Section(s) 2, 4, 9, 12 & 15 of the National Planning Policy Framework (December, 2024) (NPPF)

Representations:

	Object	Support	No Obj.	Comments
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 is a discharge of conditions application for the discharge of part Conditions 3, 7, 8 & 12 & Full Conditions 14 & 15 of H17-0357-22).

The conditions relate to:

- Condition 3 - Self build details and landscaping
- Condition 7 - Site Levels
- Condition 8 - Foul & Surface Water disposal
- Condition 12- Construction Management Plan
- Condition 14 - Trees
- Condition 15 - Tree Protection

Site Description

The application site is located within the open countryside for planning policy terms just outside the settlement of Surfleet and it benefits from planning permission to erect 6 number dwellings. The site is located within flood zone 3 in accordance with EA maps for planning.

History

H17-0357-22 - Residential development of 6 self-build dwellings. Approved 10-05-24

Consultation Responses

Anglian Water

Foul Water Comment: Drawing 524-S11-00-SI-DR-C-9000 shows connecting to the public foul sewer and is acceptable we can recommend part discharge of condition 8.

Surface Water Comments: Drawing 524-S11-00-SI-DR-C-9000 shows surface water will discharge via a watercourse, this is outside of Anglian Water's jurisdiction for comment.

IDB

I have held informal discussions with the agent and am awaiting confirmation of both the proposed total impermeable area and the proposed total flow in relation to surface water disposal for the development.

Highways & SuDs

The details submitted to discharge condition 12 attached to H17-0357-22 are acceptable in accordance with approved drawing 524-CEMP.01 dated 18-09-24.

Planning Considerations

Condition 3 - Self build details and landscaping

The condition requires:

Prior to the commencement of works on site, full details of the self-build properties shall be submitted for assessment by the Local Planning Authority. The submitted plans should include floor plans, elevations and materials of construction.

As part of the submission 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.

Discharge is sought for part approval for private drive & sewers only.

This condition cannot be discharged, no information relating to the screening of bins has been provided. Furthermore, there is no information in relation to the self-build properties. Whilst the

applicant only seeks part discharge the nature of the condition does not allow this approach.

Condition 7 - Site Levels

The condition requires:

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.

Discharge is sought for part approval for private drive & sewers only,

This condition cannot be discharged. Whilst the levels relating to roads may be acceptable, information on the FFLs relating to building is required. Whilst the applicant only seeks part discharge the nature of the condition does not allow this approach.

Condition 8 - Foul & Surface Water disposal

The condition requires:

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

Discharge is sought for part approval for private drive & sewers only,

The applicant has provided details of S104 agreement as well as the broader drainage strategy including private drainage details. The plans whilst not seeking to show private surface water and foul water disposal show how these systems will work. Both the IDB and Anglian Water have no objections. On this basis then the condition can be satisfactorily discharged given the adequate amount of information provided, especially given the mitigation that exists with regards to building regulations.

Condition 12- Construction Management Plan

The condition requires:

The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement which shall first be approved in writing by the Local Planning Authority. The Plan and Statement shall indicate measures to mitigate the adverse impacts of vehicle movements and how the drainage of the site is to be managed during the construction stage of the permitted development

Discharge is sought for part approval for private drive & sewers only,

The applicant has submitted a construction environmental management plan as far as work relating to private drives and sewers. Highways have reviewed the information and consider it acceptable. Condition 12 remains extant as the applicant only seeks part discharge the nature of the condition does not allow this approach.

Condition 14 - Trees

The condition requires:

The two Walnut trees, Blue Atlas Cedar and Norway Maple tree marked on Drawing No. 4558.Thary.Studio11.TPP to be retained, shall not be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. Should any of the trees die or

authorisation be given for their removal, they shall be replaced within six months thereafter with a tree of such size and species which shall first be agreed in writing by the Local Planning Authority, such a tree will continue to assume the protection afforded to the original under this Condition.

This condition is compliance related and cannot be discharged.

Condition 15 - Tree Protection

The condition requires:

The two Walnut trees, Blue Atlas Cedar and Norway Maple tree marked on Drawing No. 4558.Thary.Studio11.TPP to be retained shall be protected during construction work The condition requires the applicant to submit detail in relation to tree protections measures, method statement for trees etc)

The applicant has provided the following:

-4558.Thary.Studio11.TPP
-4558.Thary.Studio11.TCP
-524.CSL.01
-524.TWP.01

The information is sufficient to meet the requirements of condition 15. It is therefore discharged.

Conclusion

It is considered that only conditions 15 and 18 are able to be discharged. Given the remaining conditions cannot be, they remain extant and permission is not granted.

Therefore conditions 3, 7, 8 & 12 & Full Conditions 14 & 15 of H17-0357-22 are NOT 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.