DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-0401-24**	**Applicant:**	**Mr J Hook**
Proposal:	Details of external materials, surface water disposal & scheme of landscaping & tree planting (Conditions 3, 5 & 6 of H18-0755-23)		
Location:	Plot 1 - Off New Road Sutton Bridge Spalding		
Terminal Date:	9th August 2024		

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
28	The Natural Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision making
Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed and beautiful 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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge Conditions 3, 5, and 6 of planning approval H18-0755-23, relating to details of external materials, surface water disposal and a scheme of landscaping and tree planting.

Site Description

The application site lies on the eastern side of New Road and is sited on the corner of Golf Court. The land is presently grassed with a few shrubs and trees with a boundary fence to the south of the site. The site is adjacent to defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design.

History

H18-0269-15 - Full - Erection of 2 detached dwellings - Approved June 2015
H18-0145-16 - Outline - Residential development - four dwellings - Approved April 2016
H18-1111-16 - Outline - Residential development - Erection of four dwellings - Approved June 2015
H18-1195-18 - Reserved Matters - Erection of dwelling - Plot 1. Outline approval H18-1111-16 - Approved March 2019
H18-0199-23 - Full - Residential Development - 1 Dwelling - Refused April 2023
H18-0755-23 - Full - Residential Development - 1 Dwelling - Re-submission of H18-0199-23 - Approved October 2023

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

LCC Highway and Lead Local Flood Authority

Recommendation: No Objections

Comments: The conditions to be discharged are not LCC requested conditions. It is for the Local Planning Authority to assess the information submitted

South Holland Drainage Board

Byelaw 3 (Surface Water)

The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development Control Charges and Fees.

Byelaw 3 (Treated Foul Water)

I note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be

required under Byelaw 3.

Section 23, Land Drainage Act 1991

I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10

There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Planning Considerations

Condition Details

The conditions detail:

Condition 3

Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

The material schedule is as follows:

- Wall - Hoskins Flemish Facing Bricks
- Roof - Sandtoft Pantile - Terracotta
- Windows & doors - Cream UPVC
- Stone Cills
- Rainwater Goods - UPVC - Black

The proposed materials are considered acceptable and are considered to be in keeping with the character of the area and therefore are acceptable. The condition can be discharged.

Condition 5

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.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2023.

The details in respect of surface water drainage are considered to be acceptable. Whilst the South Holland Internal Drainage Board raised comments during the application regarding infiltration potential, following percolation tests, the Local Planning Authority are of the opinion that the surface water drainage is considered to be acceptable.

It should be noted that, should a percolation tests take place and prove that the disposal of surface water via infiltration 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 the disposal of surface water via infiltration will NOT be suitable, this would not satisfy the condition as submitted.

Condition 6

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. This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

A Landscaping and Planting plan has been submitted. Along all boundaries of the site the existing boundary treatments are to remain, to the north, east and south the existing fencing is remaining with the existing fence, native hedge and trees are to remain to the western boundary. A gravel drive is proposed with a slabbed patio for parking to the front of the house, the remaining garden is to be lawn. Two Magnolia Trees are proposed as well as one Sliver Birch. When assessing the location of the proposed trees and shrubs 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 6 can be discharged.

Conclusion

The details in relation to Conditions 3, 5, and 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.