DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H20-0213-25**	**Applicant:**	**Mrs J West**
Proposal:	Details of foul water disposal, landscaping & tree planting & boundary treatments (Conditions 5, 6 & 7 of H20-0662-24)		
Location:	Second Field To The South Of The Stables 88 Baulkins Drove Sutton St James		
Terminal Date:	29th April 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
20	Accommodation for Gypsies, Travellers and Travelling Showpeople
28	The Natural Environment

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of condition application providing details of foul water disposal, landscaping &

tree planting & boundary treatments (Conditions 5, 6 & 7 of H20-0662-24)

Site Description

The application site is located to the south of Sutton St James and outside of any defined settlement limit.
The application site is located within Flood Zone 3 in accordance with the Environmental Agency maps for planning. The South East Lincolnshire SFRA shows that on Mapping 2015 (Present Day) - The application site is shown in white cell (low hazard) and future hazard scenarios, 2115 - is also shown in white cell (low Hazard).
The application site at present is an agricultural field with a gated access. The site is located south of 88 Baulkins Drove, Sutton St James.

History

H20-0662-24 - Proposed gypsy traveller plot to include mobile, tourer, stable block and day room. Approved 15-01-25

Consultation Responses

North Level IDB

Please note that North Level District Internal Drainage Board have no objections to the above planning application.

Highways & Suds

The details submitted to discharge condition of foul water disposal, landscaping & tree planting & boundary treatments (Conditions 5, 6 & 7 of H20-0662-24) are acceptable in accordance with approved drawings and details submitted with this application.

Planning Considerations

Condition 5 - Foul Water Disposal

The condition requires:
Before the first commencement of the development hereby granted, details of the means of foul 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
The applicant has provided:

-Site plan showing the location of a septic tank
-Daily discharge calculator for domestic properties
-Covering letter showing details of the septic tank to be installed. (This 5 person Clearwater shallow dig septic tank).

As part of the original application a cess pit was proposed, however the Environment Agency had objection to this stating *Only when it can be demonstrated that: connection to a foul sewer is impracticable, the installation and operation of a package treatment plant or septic tank is not possible, and a system is in place through planning to ensure and record the proper operation and maintenance of the cesspit would we consider the proposed use of a cesspit acceptable.*

The application site is far away from the existing foul network and a connection is not feasible. However, the applicant now has amended the foul water solution to include a septic tank. On the basis of the EA comments and that the foul solution now adheres with them, condition 5 can be discharged.

Condition 6 - Landscaping

The condition requires:

Before the first occupation 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

The applicant has provided the following:
-Proposed Site Plan
The site plans shows Fir trees planted around the perimeter of the site and a high number of apple and pear trees located along the front of the site. This scheme of landscaping is considered acceptable and would screen the development.

On this basis the information is sufficient, and the condition discharged.

Condition 7 - Boundary Treatments

The condition requires:

Prior to the first occupation, 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.

The applicant has provided the following:

-Proposed Site Plan

The plan shows that the site will be treated with a 1.2m post and rail fence as well as planting, including Fir trees. This method of the boundary treatments is acceptable. It is of not that an entrance is proposed, this is a large goal post like structure that is not approved under this application as it would require planning permission in its own right being located adjacent to the highway.

Conclusion

Conditions 5, 6 & 7 of H20-0662-24 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.