DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H01-0658-24**	**Applicant:**	**Scenic Homes Ltd.**
Proposal:	Details of storage & disposal of refuse & recycling, existing & proposed site levels & proposed floor levels of buildings, hard surfaced areas & garden/amenity areas, surface water disposal and foul water disposal (Conditions 7, 9, 10 & 11 of H01-0597-21)		
Location:	Adj. 128 Barrier Bank Cowbit Spalding		
Terminal Date:	27th September 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 11: Making effective use of land
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
Section 16: Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE	0	0	0	1

BOARD				

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge Conditions 7, 9, 10 and 11 of planning approval H01-0597-21, relating to details of storage and disposal of refuse and recycling, existing and proposed site levels and proposed floor levels of building, hard surfaced areas and garden/amenity areas, and surface water disposal and foul water disposal.

Site Description

The site is located on the eastern side of Barrier Bank close to the western edge of the village, between no. 134 and 128 Barrier Bank. The site is currently under construction following planning approval H01-0597-21.

History

H01-0597-21 - Outline - Residential Development - Approved 11.10.2021

H01-0757-22 - Reserved Matters - Erection of 5 Dwellings - outline approval H01-0597-21 - Approved 26.09.2022

H01-0767-22 - Condition Compliance - Details of contamination of land and pollution of controlled waters, refuse and recycling, existing site levels and proposed floor/site levels, surface water disposal, foul water disposal and proposed boundary treatments. (Conditions 6(i), 7, 9, 10, 11 and 13 of H01-0597-21) - Approved 16.11.2022

H01-0660-24 - S73 - Erection of 5 Dwellings - approved under H01-0757-22. Modification of Condition 1 to allow amendments to previously approved plans - To be determined

H01-0659-24 - Condition Compliance - Details of scheme to deal with contamination (Condition 6 - parts ii, iii & iv of H01-0597-21) - To be determined

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:

Environmental Agency

The submitted drawing dated June 2024, ref: '089-SP-01 Rev A', prepared by Seven22 Architecture Ltd refers to revised finished floor levels which exceed 2.7 metres above Ordnance Datum, as required by Condition 8 of planning permission ref: H01-0597-21. We therefore have no objection to the discharge of Conditions 7, 9, 10 and 11.

South Holland Internal Drainage Board

Byelaw 3 (Surface Water)

The applicant proposes to discharge surface water to a watercourse and has approached the Board to make an application for consent under Byelaw 3, which is currently under determination under reference 22_07305_C.

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 note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the eastern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

The Board recommends that adequate space (3-5 metres) is left flat and free from obstruction adjacent to the riparian watercourse in order to enable maintenance by future riparian owners or a designated maintenance company/contractor.

Byelaw 10

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

LCC Highway and Lead Local Flood Authority

Recommendation: No objection

The details submitted to discharge Details of storage & disposal of refuse & recycling, existing & proposed site levels & proposed floor levels of buildings, hard surfaced areas & garden/amenity areas, surface water disposal and foul water disposal (Conditions 7, 9, 10 & 11 of H01-0597-21) are acceptable in accordance with approved drawings and details submitted with this application.

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.

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 7

No part of the development hereby permitted shall be occupied before details of the means of storage and disposal of refuse and recycling have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the 3 years and shall thereafter be retained.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set. 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 30 of the South East Lincolnshire Local Plan, 2019.

The bin collection would be taken from the end of the private drive. The submitted details are adequate.

A statement has been submitted confirming that Plots 3, 4 and 5 will be the sole users of and responsible for the bin store at the top of the private drive. Waste collection is to be conducted from Barrier Bank by South Holland District Council as is typical of Private Drive arrangements. Plots 1 & 2 each have direct roadside access for waste collection.

Condition 9

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. 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 Policy 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

The proposed finished floor levels exceed 2.7 metres above OD with the finished floor levels being between 4.710 and 3.230, which is consistent with Barriers Bank. This provides a notable increase; from the previously approved Condition Compliance to discharge the site levels, however, the levels are considered to be appropriate given its surrounding context with the road level of Barriers Bank being around 5.6 meters.

The proposed levels for the hard surfaced areas and garden/amenity areas are also considered acceptable. As stated above the road level of Barriers Bank is around 5.6 meters. The road access of the site would be between 5.400 and 4.900 reducing to 3.300 to the rear of the site.

Taking all the above into the consideration the submitted site and finished floor levels are considered acceptable.

Condition 10

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, 2021.

The details in respect of surface water drainage are considered to be acceptable. It is proposed that the surface water is to be discharged to a watercourse. South Holland Internal Drainage Board have confirmed that the applicant has approached the Board to make an application for consent under Byelaw 3, which is currently under determination under reference 22_07305_C. As such condition 10 can be discharged.

Condition 11

Before the 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.

Reason: To ensure that the site is adequately drained and to avoid pollution.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

The intention is for the foul water to be disposed to a main sewer. The Internal drainage Board have raised no objections. As such condition 11 can be discharged.

Conclusion

The details in relation to these conditions (7, 9, 10 and 11) 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.