

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H01-0919-22 **Applicant:** Mr J Negus

Proposal: Details of existing and proposed site levels and floor levels, foul and surface water disposal, ecological biodiversity measures and storage/disposal of refuse and recycling (Conditions 5, 6, 7 & 8 of H01-0390-22)

Location: Rear Of Croft House 98 Stone Gate Cowbit

Terminal Date: 16th November 2022

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

- 5 - Delivering a sufficient supply of homes
- 12 - Achieving well-designed places
- 14 - Meeting the challenge of climate change, flooding and coastal change

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 is a condition compliance application to the rear of Croft House, 98 Stone Gate, Cowbit for details of existing and proposed site levels and floor levels, foul and surface water disposal, ecological biodiversity measures and storage/disposal of refuse and recycling (Conditions 5, 6, 7 & 8 of H01-0390-22).

SITE DESCRIPTION

The proposal site is outside of defined settlement limits on paddock land to the rear of residential garden. To the west of the site up to 45 dwellings have been given outline planning permission under reference H01-0871-18, with 32 dwellings constructed to the south of the site. To the north of the site are open fields, with the A16 to the east beyond the paddock, and the host dwelling Croft House at 98 Stone Gate to the south. The plot is predominately in Environment Agency Flood Zone 2, with Flood Zone 3 to the north and eastern boundaries. On the 2115 South Holland Strategic Flood Risk Mapping the site is in a "Danger for Some" hazard area, with a maximum predicted flood depth of 0.25 metres.

RELEVANT HISTORY

H01-0390-22

Outline - Residential Development - Erection of Single Storey Dwelling - Approved - 09 June 2022

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

No objections.

South Holland District Council - Environmental Services

A seven day deadline for comments was given to Environmental Services. A response was not received.

South Holland Internal Drainage Board

Requested further details of surface water drainage. The agent responded *"Storm water will discharge into soakaways as stated and these will be designed in accordance with the Building Regs / Approved Documents."* Further comments from the IDB were not received.

PLANNING CONSIDERATIONS

Compliance with Condition 5 of H01-0390-22 - Details of Existing and Proposed Site Levels

Condition 5 states:

"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."

Plans showing site levels have been submitted. The proposed dwelling will be set 300mm above ground level. There is not considered to be a character or amenity impact to the surrounding area. This is because the dwelling is set to the rear of Croft House and is single storey in design.

Condition 5 of H01-0390-22 is considered to have been addressed.

Compliance with Condition 6 of H01-0390-22 - Full Details of Drainage

Condition 6 states:

"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.

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."

Foul Drainage is to connect into existing house drainage which connects to main sewer in road. Storm water will discharge into soakaways as stated and these will be designed in accordance with the Building Regs / Approved Documents. A further response was not received from the South Holland Internal Drainage Board regarding the updated surface water details. The proposed surface and foul water drainage methods are considered to be appropriate for the site.

Condition 6 of H01-0390-22 is considered to have been addressed.

Compliance with Condition 7 of H01-0390-22 - Swift Nest Bricks

Condition 7 states:

Before the commencement of the development hereby permitted beyond oversight full details of ecological biodiversity measures to be installed in conjunction with the development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be constructed and retained in accordance with the details so approved.

Note: Development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species such as the use of bat and barn owl roost boxes and integrating nesting opportunities into buildings. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species.

Reason: To ensure that the development is able to deliver a net gain in biodiversity. This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2021.

The agent has stated on the submitted plans *"Three swift nest bricks shall be incorporated within the external walls of the two storey element shall be retained thereafter."* The submitted details satisfy the swift bricks condition due to the number of bricks and the proposed location.

Condition 7 of H01-0390-22 is considered to have been addressed.

Compliance with Condition 8 of H01-0390-22 - Details of Refuse Storage (Outline)

Condition 8 states:

"The development hereby permitted shall not be commenced before details of the means of storage and disposal of refuse and recycling, as well as appropriate management and maintenance, have

been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of the dwelling and shall thereafter be retained.

Note: For residential development, reference should be made to the Council's published PRIVATE DRIVES - WASTE VEHICLE COLLECTION SERVICE - GUIDANCE NOTE when submitting these details.

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 submitted plans state *"Refuse and recycling to be stored with existing house collection point."* A consultation response from the South Holland District Council Environmental Services department was not received, so a further consultation response request was sent with a seven day deadline. A response was not forthcoming.

This collection point is adjacent to the highway, would be easily accessed by the future occupants and has no impact on highway safety.

Condition 8 of H01-0390-22 is considered to have been addressed.

CONCLUSION

Conditions 5, 6, 7 and 8 relating to site levels, drainage details, swift nest bricks and refuse collection are now considered to have been addressed.

RECOMMENDATION

This application is recommended for approval.

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.