

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H02-0121-20	Applicant:	Cross Keys Homes
Proposal:	Details of foul water disposal, finished floor levels and surface water drainage (Conditions 14, 16 and 22 of H02-0054-18)		
Location:	18 Low Road Crowland		
Terminal Date:	31st May 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
30	Pollution

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places
 Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of foul water disposal, finished floor levels and surface water drainage (Conditions 14, 16 and 22 of H02-0054-18).

Site Description

The site is approximately 1.54ha in size and it is irregular in shape with a road frontage of approximately 127m to Low Road and a frontage of approximately 77m to Plank Drove. The depth of the site varies from approximately 77m to the west and approximately 161m to the east.

There is an existing bungalow located centrally along the Low Road frontage and the foundations of former agricultural buildings in the south west corner of the site accessed from Plank Drove. The balance of the site is agricultural land.

There are trees within the garden of the bungalow and trees and hedgerow to the eastern boundary.

There is existing residential development to the east in the form of large detached houses on large plots. To the south east are detached properties.

There is agricultural land to the south.

On the opposite side of Low Road to the north are paddocks and dykes.

History

H02-0054-18 - Outline application for proposed residential development (approved October 2019).

Consultation Responses

Crowland Parish Council - Cannot make any further comment to those previously submitted on the original planning application.

Anglian Water - Proposed foul drainage strategy is acceptable and, as such, recommends that condition 14 is discharged.

North Level IDB - No objection in principle. Formal land drainage consent will be required to the proposed new outfall for surface water disposal. Written permission of the adjoining landowner for the riparian drain will be required as part of this.

LCC Highways/SUDS - Does not wish to restrict the grant of permission. 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 submitted details are satisfactory and therefore, does not wish to object to this planning application.

Public (1 objection, summarised) -

The use of the drain on the south side of the development has not been notified or discussed with the residents of Beechcroft Gardens, either individually or via the Management Company. No consent has been sought or given for the use of this drain and no contribution has been agreed for either its upgrade, use or ongoing maintenance.

Planning Considerations

Foul water disposal (Condition 14) - The proposal is for foul water from the site to be disposed of to the existing Anglian Water system via a pumping station. Anglian Water have no objections to this proposed strategy.

Finished floor levels (Condition 16) - Condition 16 of H02-0054-18 requires finished floor levels (FFLs) to be set at a minimum of 1m above existing ground level. The proposed FFLs are in

accordance with this. With regard to proposed site levels, the greatest difference will be at the east of the site where levels will fall away from properties towards the boundary generally by around 1m. The levels along this boundary will effectively remain as existing. This is the same for the part of the site adjoining 6 Plank Drove. Additionally, the closest any dwelling would come to the eastern boundary to the site would be approx. 13m and this would be at the southern end of the site and therefore at the end of the garden of the neighbouring property. At the northern end, the closest property would be approx. 18m to the boundary. It is therefore not considered that there would be an adjustment of levels that would have an adverse impact on the amenity of adjoining properties. It has been identified that the patio to Plot 2 would be raised and thus there would be the potential for overlooking of the rear garden of 10 Low Road, which is in reasonably close proximity. A higher fence will therefore be required in this location. The reserved matters approval will be conditioned so that this information is submitted prior to installation and occupation of that dwelling.

Surface water drainage (Condition 22) - The proposal is for surface water to ultimately discharge to the IDB drain further south-east via a riparian drain that runs to the rear of properties on Beechcroft Gardens. It has been explained that the strategy for the operation of the surface water drainage on the site is that in a storm situation, the hydro-brake just before the outfall to the drain to the south of the site would limit the discharge from the site and the system would surcharge, filling the underground pipes, which would then back-up the attenuated storm water into the larger storage lagoon at the head of the system. Water would also be stored temporarily in the smaller downstream pond if that were to take place. The Lead Local Flood Authority have advised that whilst having the storage lagoon at the head of the system is unconventional, the argument is that it would work satisfactorily because the gradients within the system are so flat. The surface water drainage system is designed to also accept surface water run-off from the properties and swales would be used to convey and treat water from the highway which has been designed with a single-cross fall to allow this. The applicant has undertaken a survey of the drain that the surface water is to outfall to and provided spot levels for along its length. The Lead Local Flood Authority is content that this demonstrates that this watercourse will have a constant, if very shallow, gradient from the point of the site's outfall into it, up to the IDB-maintained watercourse. Furthermore, should the flows exceed the capacity through that shallowest part, the spot levels from the topographical survey show the ground rising towards rear gardens of the existing adjacent dwellings and there would therefore be no expectation of flooding to occur within those properties. The permission of residents is not required for water to be discharged/outfall into a riparian drain downstream. Additionally, the Lead Local Flood Authority have indicated that any surface water in gardens on the eastern side of the site would be absorbed by/in the gardens of those properties before reaching the boundary and would therefore not have an off-site impact in this regard. Overall, the surface water drainage proposals are considered to be acceptable.

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.

Conclusion

Taking the above into account, it is considered that Conditions 14, 16 and 22 of H02-0054-18 can be discharged.