DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0476-24**	**Applicant:**	**Mrs G Padmore**
Proposal:	Details of external gas / electricity boxes and foul & surface water disposal (Conditions 3 and 4 of H02-0749-19)		
Location:	2 West Bank Crowland Peterborough		
Terminal Date:	1st August 2024		

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 2023

Section 12 - Achieving well-designed and beautiful 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
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions application relating to external gas / electricity boxes and foul & surface water disposal. (Conditions 3 and 4 of H02-0749-19).

Site Description
The application site relates to an approved dwelling which is now complete and occupied, located on the corner of West Bank Crowland. The application site is located west of properties fronting North Street.

History
H02-0749-19 - Proposed three-bed detached dwelling. Approved 23-12-19

Consultation Responses

Environment Agency
We did not recommend the conditions referred to on application H02-0749-19 and therefore have no comment to make on this application, H02-0476-24.

2ND Response
I have discussed your enquiry with my colleague Christopher Hutcheson. I responded to the application H02-0476-24 with 'no comments' and therefore the advice my colleague Christopher provided, in relation to your previous enquiry, in the attached document still remains, outlining that 'Owners or operators are primarily responsible for ensuring proper functioning and maintenance of the treatment plant, they must ensure that treated effluent meets environmental regulatory standards and does not pollute surrounding surface and groundwater.'.

Anglian Water
Foul Water Comments: There are public foul sewers in the vicinity we would therefore recommend that the EA are contacted as the proposed method is to a private package treatment plant. The nearest public sewer is approximately 60m to the east.

Surface Water Comments: The surface water is to soakaways - this is outside of Anglian Water's jurisdiction for comment.

South Holland Building Regulations
We had an application in 2020 for a new build dwelling where the drains were inspected as part of the application.

North Level IDB
Please note that North Level District Internal Drainage Board have no comment to make regarding the above planning applicationÃ¢?¦The drainage was passed off as satisfactory

Crowland Parish Council
No objections and leave to the expertise of the planning department

Representations

Three number neighbouring addresses have made objections to this application, across multiple emails. The concerns relate to the following material planning points:

-I have read though new application or comments from sharmen Site levels on North boundary have been significantly increased we have evidence of this and pics also evidence of sewerage contaminants and water damage that has occurred on numerous occasions since build. The problem did not exist before the build
-I object for the following reasons water/sewerage entering my garden during heavy rainfall damage done to garden/trees this needs attention
-I object to the following application as it is false information from sharmen architecture regarding the cause of flooding/foul waste. The issues have only been present since the building of 2 west

bank. This needs a solution to fix the issues to the effected properties
-We have lived (address redacted) for 50 years and have never experienced flooding on our garden, until the new build on 2 West Bank. I am however aware that 102 north street have experienced flooding on one or two occasions. This year both gardens 102 and 104 were badly affected. It appears that 2 West Bank have created an island with a surrounding lower lying property's receiving their water run off . Our garden has been out bounds for about 3 months or more and substantial damage has been caused. Our grandchildren can no longer play in the garden due to the effects of Suspected sewage contamination. Therefore we strongly disagree that this application goes ahead
-A number of photographs have also been received in support of the material considerations expressed by objectors.

Planning Considerations

Condition 3 - External Boxes for Gas and Electricity Supplies

The conditions requires:

Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.
The applicant has not provided any bespoke/plans evidence of external boxes for gas and electricity supplies however the dwelling is built and these utilities van be seen in photographs and from site visits. The reason for the condition is to protect the areas 'character and appearance of the development and the visual amenity of the area'. The dwelling itself is of high merit and contributes positively to the street scheme, creating a strong sense of place on the corner plot. The utilities (external boxes for gas and electricity supplies and of any gas flues and soil vent pipes) follow on as part of an appropriate design. Therefore, these are considered acceptable, and the condition is hereby discharged.

Condition 4 - Drainage

The conditions requires:
Before the commencement of the development hereby granted beyond oversite, 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.

There have been strong objections relating to this proposal (please see 'representations section'), there are concerns that the dwelling has given rise to flooding impacts relating to displacement (i.e. surface water is now directed to neighbouring properties) and that the foul water treatment is not sufficient and there is potential for leachate from contaminants. Objectors have in support of their comments provided photographs.
It should be noted that as part of this application the following bodies/department have been consulted:

The IDB
The Environment Agency
The LLFA
Building Regulations

It should be noted that none of these have expressed any objections to the proposal (please see consultations section). This is material to the planning assessment as the LPA rely upon such specialist advice when determining applications.

Surface Water

The surface water is disposed of via soakaways. This infrastructure is already in place. Building regulations have previously assessed the drainage on site and consider that it is 'satisfactory' and so passed by that department.
Objectors point out that surface water is being directed to their properties. Whilst it is not disputed that these properties have been suffering from surface water issues, given that building regulations

have stated that the drainage is satisfactory then the LPA must assume that the soakaways are capable of disposing of surface water created by the development to an acceptable level. It is likely that as part of the building regulations consenting process that percolation tests would have been carried out.

It is therefore considered on this basis that the surface water drainage is adequate in that the drainage has been passed as 'Satisfactory' by building regulations.

Foul Water

The foul water solution is package treatment plant. The EA have been consulted and have 'No Comment' to make as regards the method of foul water treatment. The consultee does slightly expand stating "'Owners or operators are primarily responsible for ensuring proper functioning and maintenance of the treatment plant, they must ensure that treated effluent meets environmental regulatory standards and does not pollute surrounding surface and groundwater'.
On this basis then the EA do not suggest that the package treatment plant does not meet the 'general binding rules' and in fact this proposal given the time it was built now relates to an existing discharge (installed before October 2023). Further to this point is that building regulations also consider the drainage as 'satisfactory'.

Objectors state that there is evidence of sewage pollutants. This is not disputed, however the LPA need to give material weight to the EA position and the building regulations position, which both relate to no comment or no objection (satisfactory). These bodies have been consulted twice. In planning terms then the LPA cannot withhold issuing consent given the applicant has been through the building regulations procedure (and that the EA have no comments to make). The condition is therefore discharged.

Summary

It should be noted that whilst the LPA do not have the remit not to discharge these conditions, which is based upon a broad scheme of consultations and associated responses, it is not to say that the objectors concerns are not valid. Should there be evidence that leachate from pollutants are being released into the ground then the local residents should pursue this in accordance with Environmental Laws and report to the Environment Agency.

Conclusion

Therefore conditions 3 and 4 of H02-0749-19 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.