

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H03-0438-22 **Applicant:** Mr Urquhart

Proposal: Details of existing & proposed site levels, surface water disposal & foul water disposal and landscaping (Conditions 4, 6, 7 & 8 of H03-0394-21)

Location: Sixpenny Piece Campains Lane Deeping St Nicholas

Terminal Date: 27th July 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework 2021

11. Making effective use of land
12. Achieving well-designed places
12. Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks to discharge the following conditions of application H03-0394-21:

Condition 4- Details of Existing and Proposed Site Levels
Condition 6- Surface Water Disposal Details
Condition 7- Foul Drainage Details

Condition 8- Landscaping Detail

Site Description

As original application.

History

H03-0394-21- Approved 17-09-21- Demolition of existing bungalow, construction of two semi-detached dwellings along with vehicle parking and amenity space, with two dropped kerb access (part retrospective).

Consultation Responses

Deeping St Nicholas Parish Council

Notes the concerns of the drainage board, but has no objections to this application

Welland & Deepings IDB

The surface drainage route runs through third party land and permission from the land owner must be obtained. If permission is given to the route surface water through this land, then the board will require a consent to discharge application form for each of the two dwellings proposed, agreement of technical details and payment of a development contribution.

Planning Considerations

Condition 4- Details of Existing and Proposed Site Levels

Finished floor levels are to be raised to 3.07m AOD in accordance with the approved FRA, which is around 0.3m-0.7m higher than existing ground levels in proximity of the dwelling. Given the height of the dwelling and the general lack of overlooking windows, it is not considered that it would have a material amenity impact on the dwelling to the north and south by virtue of raising floor levels. It is noted that there is one side lounge window on each side of both properties that is not obscure glazed, however, it would be screened by the trellis proposed and would therefore not impact upon neighbouring amenity. Any patio laid would be set to the same level as the garden so there are no overlooking issues in this regard.

Condition 6- Surface Water Disposal Details

A third party agreement has been approved with the neighbouring land owner to allow the drains to travel across neighbouring land to the north to outfall into a ditch. The surface water flows will be limited to 2 litres per second and the permeable paving will act as a SUDs feature. Due to the landowner giving consent to the surface water outfall to the ditch to the north of Campains Lane, it is there acceptable to discharge condition 6. The submitted details are considered acceptable.

Condition 7- Foul Drainage Details

The foul drainage plans show that a cesspool will be situated in the rear garden of both sites with the provision of access on both sites to empty and clean the cesspools accordingly. The submitted details are considered acceptable and therefore, condition 7 may be discharged.

Condition 8- Landscaping Detail

The landscape plan includes new low level hedging to the front boundary and mixture of planting to the front driveway. The submitted details are considered acceptable for the nature of the development.

Conclusion

Taking the above into account, it is considered that Conditions 4, 6, 7 and 8 of application H03-0394-21 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.