DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-0355-26**	**Applicant:**	**Ashwood Homes Ltd**
Proposal:	Details of finished floor levels of dwellings (Condition 5 of H04-0508-19)		
Location:	Land To East Of Towndam Lane Donington Spalding		
Terminal Date:	10th June 2026		

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 December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Initially, consent was sought to discharge condition 5 of permission H04-0508-19. Permission H04-

0508-19 granted permission for 136 dwellings with associated garaging, roads and sewers on 26 November 2020.

Condition 5 is worded as follows:

" The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before any property is first occupied:

-finished floor levels of dwellings shall be set at 300mm above existing ground level."

As such, condition 5 is a compliance condition and does not need to be discharged. Instead, it would only be appropriate to confirm if it appears that the condition has been complied with. This has been discussed with the applicant and this approach has been agreed.

As such, this proposal seeks confirmation that condition 5 of H04-0508-19 has been complied with, and that the works have been undertaken in accordance with the requirements of this condition.

Site Description

The site is part of a wider development site, an irregular parcel of land of some 5.5 hectares, to the east of Town Dam Lane. The land is allocated for development for residential development (Don006) within Policy 11 Distribution of New Housing of the South East Lincolnshire Local Plan (SELLP).

Relevant Planning History

H04-0842-87: (Full Application) Erection of new glasshouse unit - approved 14 September 1987

H04-0184-96: (Agricultural) Change from lawned area to concrete yard and car parking for customers and staff - refused 25 March 1996

H04-0326-96: (Agricultural Details) Change from lawned area to concrete yard and car parking for customers and staff - approved 25 June 1996

H04-0542-17: (S191 Application) Use of site for the manufacture and storage of fence panels and related materials - approved 18 October 2017

H04-0508-19: (Full Application) Erection of 136 dwellings with associated garaging, roads and sewers - approved 26 November 2020

H04-1156-21: (Full Application) Erection of 9 dwellings - Plots 17, 21, 22, 23, 25, 26, 27, 30 & 32 - previously approved under H04-0508-19 - approved 10 January 2022

H04-1104-20: (Discharge of Conditions) Details of Conditions 3, 4, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 & 21 of H04-0508-19 - approved 18 February 2021 (conditions 7, 8 and 9 were not discharged)

H04-0200-21: (Discharge of Conditions) Details of surface water drainage scheme (Condition 10 of H04-0508-19) - approved 11 May 2021

H04-1133-21: (Full Application) The erection of 2no two storey dwellings with associated parking and garaging - amendment to previously approved permission H04-0508-19 - approved 20 December 2021

H04-0337-26: (Non Material Amendment) Erection of 136 dwellings with associated garaging, roads and sewers - Approved under H04-0508-19. Amendment to fenestration to garage frontage of Plot 136 - approved 23 April 2026

H04-0323-26: (Discharge of Conditions) Details of first 50 metre of estate road from its junction with the public highway, including visibility splays, having been completed to binder course level (Condition 8 of H04-0508-19) - pending determination

Consultation

Anglian Water: No comments.

Black Sluice Internal Drainage Board: No objections raised (guidance enclosed).

Environment Agency: We are satisfied that the above-mentioned condition has been complied with and have no comments to make with regards to this application.

Lincolnshire County Council - Highways and SUDS: No response received.

Key Planning Considerations

As set out previously, condition 5 is worded as follows:

"The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before any property is first occupied:

-finished floor levels of dwellings shall be set at 300mm above existing ground level.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding.
This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2019."

The submitted External Works plan (AHL-1411-01-EW-001 P6) shows the finished floor levels of the dwellings which appear to be 300mm above the ground level prior to when works began.

As such, it is considered that the condition was complied with.

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

The details indicate that requirements of condition 5 of permission H04-0508-19 were complied with.

Recommendation

Condition 5 was complied with.