

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0359-24 **Applicant:** Seagate Homes (UK) Ltd

Proposal: Details of surface water drainage scheme, existing & proposed site levels & proposed floor levels and means of foul water disposal (Conditions 9, 16 & 18 of H04-0244-16)

Location: Land Off Malting Lane (Phase 2) Donington Spalding

Terminal Date: 13th June 2024

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 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions application, for the discharge of Conditions 9, 16 and 18 relating to planning application H04-0244-16.

Condition 9 - Surface Water Drainage
Condition 16 - Site Levels and Finished Floor Levels
Condition 18 - Foul Water Disposal

Site Description

The application site is located at the southern side of Donington and is at present open scrub land. The site is accessed from Malting Lane (set to the west) and located south of William Close which is a private road and north of the estate fronting Arnhem Way, to the front of Malting lane are a row of bungalows that site north of the access.

History

H04-0244-16 - Outline planning application for a residential development of approximately 73 dwellings (Class C3), all matters are reserved, except for access.

H04-0268-20 -Reserved Matters - Residential Development of 40 dwellings - outline approval H04-0244-16

Consultation Responses

Highways

Recommendation: No objection The details of surface water drainage scheme, existing & proposed site levels & proposed floor levels and means of foul water disposal (Conditions 9, 16 & 18 of H04-0244-16) submitted to discharge these conditions are acceptable in accordance with approved drawings and details approved by the Highway Authority under a S38 Agreement.

IDB

The applicant has applied for, and has subsequently received, consent from the Board for the proposed surface water discharge from the development.

Planning Considerations

Condition 9 - Surface Water Drainage

The Condition requires:

No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority

The applicant has provided Section 104 details, these include, flood route plan, drainage layout/schedule and details, long sections and Impermeable Area Plan. The IDB have been consulted and confirmed that the applicant has successfully received consent.

Condition 9 is hereby discharged.

Condition 16 - Site Levels and Finished Floor Levels

The Condition requires:

Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority.

The applicant shows the finished floor levels of dwellings as well as proposed site levels. The site levels have been approved under Section 38 and highways have confirmed this in writing. The levels of the buildings are also acceptable as regards flood risk, amenity and character.

On this basis condition 16 is discharged.

Condition 18 - Foul Water Disposal

The Condition requires:

Before the commencement of the development hereby granted, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority.

The applicant has provided confirmation of technical approval from Anglian Water. The letter dated 21 Mar 2024 confirms the water boards acceptance of the foul water disposal scheme.

On this basis Condition 18 is discharged.

Conclusion

Conditions 9, 16 and 18 relating to planning application H04-0244-16 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.