DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H04-0370-23** | **Applicant:** | **Mr & Mrs Holt** |
| **Proposal:** | Details of foul and surface water disposal, storage and disposal of refuse and recycling, ecological biodiversity measures, existing and proposed site levels, proposed floor levels, hard surfaced areas and garden/amenity areas (Conditions 4, 5, 6 and 8 of H04-0609-22) | | |
| **Location:** | Rear Of Red Gables 15a Town Dam Lane Donington | | |
| **Terminal Date:** | 12th June 2023 | | |

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

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|---|---|
| 02 | Development Management |
| 03 | Design of New Development |

**National Guidance**

**National Planning Policy Framework 2021**

**National Planning Policy Framework (NPPF, 2021)**

Section 2: Achieving sustainable development
Section 4: Decision-making
Section 5: Delivering a sufficient supply of homes
Section 9: Promoting sustainable transport
Section 12: Achieving well-designed places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment

**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

Details of foul and surface water disposal, storage and disposal of refuse and recycling, ecological biodiversity measures, existing and proposed site levels, proposed floor levels, hard surfaced areas and garden/amenity areas (Conditions 4, 5, 6 and 8 of H04-0609-22).

## Site Description

The existing property of Red Gables, 15A Town Dam Lane is a single storey bungalow located on the north-side of the highway with a garden area extending to the rear of the property to the north. The site is bound to the east by agricultural land, dense tree planting to the north and residential properties (Mallards Reach) to the west.

## History

H04-1424-00 - Red Gables, Town Dam Lane, Donington - Residential building plot - Refused 2nd March 2001.

H04-0336-23 - Rear of Red Gables, 15a Town Dam Lane, Reserved Matters - To be determined

## Consultation Responses

Black Sluice Internal Drainage Board

Provided the planning authority are satisfied with the applicant's proposals, the Board have no further comment.

LCC Highways & SUDS Support

No objection.

The details submitted in this Application to discharge Conditions 4, 5, 6 and 8 of H04-0609-22 would not have any adverse impact upon highway safety, highway network capacity or surface water flood risk and so the highway authority and lead local flood authority does not wish to object to the discharge of the numbered Conditions.

## Planning Considerations

Details of foul and surface water disposal, storage and disposal of refuse and recycling, ecological biodiversity measures, existing and proposed site levels, proposed floor levels, hard surfaced areas and garden/amenity areas (Conditions 4, 5, 6 and 8 of H04-0609-22).

Condition 4

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.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

The Internal Drainage Board has no further comments on the foul drainage. The proposal for the foul drainage is to discharge into the foul water drainage system for Red Gables, which discharges into the mains sewer. There is also a proposed soakaway for surface water drainage. The submitted details are adequate.

Condition 5

The development hereby permitted shall not be commenced before details of the means of storage and disposal of refuse and recycling, as well as appropriate management and maintenance, have

been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of relevant dwellings and shall thereafter be retained.

Note: For residential development, reference should be made to the Council's published PRIVATE DRIVES - WASTE VEHICLE COLLECTION SERVICE - GUIDANCE NOTE when submitting these details.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

There is a proposed bin store within the detached garage. The bin collection would be taken from the end of the private drive. The submitted details are adequate.

Condition 6

Before the commencement of the development hereby permitted beyond oversite full details of ecological biodiversity measures to be installed in conjunction with the development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be constructed and retained in accordance with the details so approved.

Note: Development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species such as the use of bat and barn owl roost boxes and integrating nesting opportunities into buildings. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species.

Reason: To ensure that the development is able to deliver a net gain in biodiversity.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2021.

The application proposes 2no built in swift bricks to be built at a high level on the north elevation and 2no face mounted bat boxes to be installed on the north elevation. The submitted details are adequate.

Condition 8

Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: To ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

Site levels of the garage and garden spaces would be the 0.01m higher than the existing finished floor levels of the adjacent property. The land level of the proposed dwelling would be 0.16m raised in relation to the neighbouring dwellings finished floor level. The finished floor levels of the proposed dwelling would be slightly raised in relation to the proposed land level; however, this would be such an extent that would not materially impact the street scene or neighbouring residents. The small raise and adequate separation distances ensures no unacceptable impact. The submitted details on

drawings 01A and the Topographical Survey are adequate.

## Conclusion

Taking the above into account, it is considered that Conditions 4, 5, 6 and 8 of application H04-0609-22 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.