

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0634-21 **Applicant:** Mr G Barron

Proposal: Details of positive soakaway testing report (Condition 4 of H04-0905-20 and also relating to H04-1176-20)

Location: 3 Malting Lane Donington Spalding

Terminal Date: 9th February 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

Section 14 of the National Planning Policy Framework (2021)

14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application regarding details of a positive soakaway testing report relating to Condition 4 of H04-0905-20 on Malting Lane, Donington. The supporting information provides a soakaway location map and percolation test results. Each of the six bungalows will have two soakaways, with one sited to the frontage and one in the rear garden. Each soakaway is a minimum of 5 metres away from any building.

SITE DESCRIPTION

The proposal is within the defined settlement limits of Donington so the principle of development on this site is accepted, provided all other relevant policy issues are considered acceptable. The land is currently in an F2 use class and contains the Royal British Legion building and a bowling green, both of which are not in use. There are dwellings to the north, south, west and east of proposal, with industrial premises located to the west on Millfield Road. The site is bordered by 1.8 metre high timber fencing, with an established row of trees to the rear (west) at the boundary with industrial buildings on Millfield Road.

The rear of the site is within Flood Zone 3 of the Environment Agency flood maps, and is not subject to increased flood depth or flood hazard on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H04-1176-20

Details of external materials, design & position of meter boxes etc, foul & surface water disposal, water consumption, finished floor levels, site levels and scheme to deal with contamination (Conditions 2, 3, 4, 5, 6, 7 & 8(i) of H04-0905-20) - Approved - 26 March 2021.

H04-0420-20

Full - Demolition of former British Legion Club building and erection of 8 semidetached dwellings and 1 detached dwelling with access road - Application Withdrawn.

H04-0905-20

Full - Demolition of former British Legion Club building and erection of 6 detached bungalows, garages and access road - re-submission of H04-0420-20 - Approved - 16 December 2020.

CONSULTATION RESPONSES

SHDC - Building Control

In my opinion it satisfies the highlighted part of your condition:

"Before the commencement of the development hereby granted beyond oversight, 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."

Black Sluice Internal Drainage Board

"The Board notes the documentation submitted. Provided that the planning authority are satisfied with the the results provided, then the Board have no further comment. The applicant is reminded of the Boards previous comments regarding the open watercourse on the western boundary of the site."

PLANNING CONSIDERATIONS

Compliance with Condition 4 of H04-0905-20 - Full Details of Drainage

Condition 4 of H04-0905-20 is titled "Full Details of Drainage" and states:

Before the commencement of the development hereby granted beyond oversight, 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, 2019.

The proposed soakaway locations are appropriate for the site and are a minimum of 5 metres from all buildings. The Local Planning Authority are satisfied with the flow rates provided and it is considered that Condition 4 of H04-0905-20 has now been complied with.

Condition 4 of H04-0905-20 can now be discharged.

CONCLUSION

In light of the above, the recommendation is for a delegated approval.

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.