

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0934-22 **Applicant:** Wilf Hammond Homes Ltd.

Proposal: Details of proposed means of foul & surface water disposal and Construction Management Plan & Method Statement (Conditions 4 & 9 of H04-0425-22)

Location: Off Town Dam Lane Donington Spalding

Terminal Date: 9th January 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

04 Approach to Flood Risk
28 The Natural Environment
30 Pollution

National Guidance

National Planning Policy Framework 2021

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
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

CONDITION COMPLIANCE - the proposal relates to details submitted in relation to the following

conditions imposed under decision H04-0425-22 approved on 8 August 2022 for residential development of 6 dwellings:

Condition 4:

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, 2021.

Condition 7:

The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to, and approved in writing by, the Local Planning Authority. The Construction Management Plan and Method Statement shall indicate measures to mitigate against the adverse impacts of vehicle movements and vehicle parking and shall include;

- the phasing of the development to include access construction;
- the parking of vehicles of site operatives and visitors;
- the loading and unloading of plant and materials;
- the storage of plant and materials used in constructing the development;
- wheel washing facilities;
- a strategy stating how surface water run off on and from the development will be managed during construction

Reason: In the interests of the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.

This Condition is imposed in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

Site Description

As host consent

History

H04-0425-22 - Residential Development - dwellings - APPROVED 8th August 2022

Consultation Responses

LCC Local Lead Flood Authority and Highways

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage on all Major Applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the drainage proposals for this planning application. No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the submitted Construction Phase Health and Safety Plan provides sufficient information to satisfy the requirements of Condition 9 and therefore does not wish to object to this planning application.

Black Sluice Internal Drainage Board

Rainfall Runoff

It is understood that the applicant intends to discharge surface water via soakaways. If this is the case, then any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that soakaways are suitable for the site should be submitted to the local planning authority for their approval.

Access to Watercourses

The open watercourse on the boundary of the site is a Board-maintained Watercourse. The Board does not own the land within which this watercourse lies. The Board is only responsible for the conveyance of water. The Board has a byelaw (No.10) which prohibits the siting of any obstructions, whether temporary or permanent, including planting, within 9 metres of the top of the bank of an open watercourse without the prior written consent of the Board. Whilst the Board notes that the boundary treatments are to be placed no closer than 9 metres from bank top, there is an access gate to the access strip which will require an application for consent. Application forms can be downloaded from the Board's website or sent on request from the Board's offices. The applicant is reminded that within common law, the ownership and maintenance responsibility for any watercourse lies with the adjacent landowners, regardless of whether the watercourse is maintained by the Board. The applicant must advise any new property owners of their riparian responsibilities, and also inform them of the Board's requirements regarding the 9 metre access strip (i.e. no obstructions at any time).

Clarification was sought from the Black Sluice Drainage Board and agent on the details. The agent confirmed a gate is to be installed to make sure each homeowner maintains a 9m area. As the land will be landlocked it will be sold off with each plot. Their deeds will make sure the 9m area will be kept clear at all times. The Black Sluice drainage board stated that anything within the 9m easement (i.e. the gates) will still require written consent. The agent confirmed the hedge and gates are outside of the 9m byelaw. Black Sluice confirmed that the particular access gates they were talking about were at one end of the strip which is clearly within the byelaw distance, not the gates from the houses. Following further clarification, it was confirmed that the 9m Byelaw issue has been dealt with separately with the applicant outside of the planning application. The surface water and foul water details are acceptable to the Board.

Anglian Water

Foul Water Comments

The foul drainage drawing shows a pumping station, they required the pumped discharge rate to enable them to comment. Clarification was sought from Anglian Water in relation to the Foul water comments, and it was confirmed they needed a discharge flow rate for foul flows. This was forwarded to the agent. The agent replied that Anglian Water has approved their application with the information they submitted and have forwarded confirmation that connection to the public sewer/adoption of a lateral drain application ALD-0155077 for site Town Dam Lane, Spalding has been approved. Anglian Water still needed a discharge rate. This was clarified to be 3.8l/s. It was then confirmed that the proposed pumped rate of 3.8l/s is acceptable to Anglian Water.

Surface Water Comments

The surface water discharge is to soakaways, this is outside of Anglian Water's jurisdiction for comment.

Planning Considerations

Condition 4

Condition 4 of the approval relates to foul and surface water details.

The Local Lead Flood Authority raise no objection to the details because they only comment on major schemes.

The Black Sluice Internal Drainage Board confirmed that after correspondence between them and the applicant the foul and surface water details are acceptable to them.

Anglian Water stated that they do not comment on surface water details. They find the pumped rate of 3.8l/s for foul drainage acceptable.

The details for foul and surface water drainage are acceptable and it is considered that these details can be discharged.

Condition 7:

Condition 7 of the approval relates to a construction management plan.

The Highway Authority find the details acceptable.

As a result it is considered that the details are satisfactory and it is considered that these details can be discharged.

Conclusion

Approve the details for conditions 4 and 7.

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.