

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0992-23 **Applicant:** Spalding Developments Ltd

Proposal: Details of foul & surface water disposal & ecological biodiversity measures (Conditions 4 & 6 of H04-0199-22)

Location: 89 Quadring Road Donington Spalding

Terminal Date: 5th January 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
04 Approach to Flood Risk
28 The Natural Environment

National Guidance

National Planning Policy Framework 2023

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

CASE OFFICER ASSESSMENT

Description of Proposal

This is a condition compliance application relating to conditions 4 and 6 of H04-0199-22. These conditions relate to details of foul and surface water disposal, as well as ecological biodiversity measures.

Site Description

The proposal is outside of defined settlement limits and the surrounding area is characterised by non-nucleated linear development of varying ages and designs. Arable fields are sited to the west

and south with Quadring Road to the north and 68 Quadring Road beyond. 91 Quadring Road is sited to the east, including a two-storey dwelling and curtilage building.

Relevant History

H04-0199-22 - Full. Demolition of bungalow and construction of new dwelling. Approved 14/04/22.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Highway and Lead Local Flood Authority

"The details of foul & surface water disposal & ecological biodiversity measures (Conditions 4 & 6 of H04-0199-22) discharge these conditions are acceptable in accordance with approved drawings and details submitted with this 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 proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Condition 4

Condition 4 relates to foul and surface water. Foul water is to be treated via an underground domestic sewage treatment facility located in the garden. The wastewater would then be discharged into a drainage field located to the north of the site. The surface water is to be discharged via soakaways located to the south and north-west of the site.

The details submitted are considered acceptable. The proposal would ensure the adequate drainage of the site, without impacting upon neighbouring sites.

Condition 6

Condition 6 relates to ecological biodiversity measures. A swift nest brick and a bird box are proposed on the eastern elevation. This is in addition to the scheme of planting approved under H04-0199-22.

It is considered that the submitted details are insufficient to discharge the condition. The ecological measures submitted are insufficient and an onsite biodiversity net gain has not been fully demonstrated. In addition, when solely viewing the information provided, in regard to the submitted information sheets, these outline recommendations of two to four swift boxes; however, only one has been proposed on the submitted plans. Further details and measures are required in respect of onsite biodiversity net gain in any event.

As such, condition 6 cannot be discharged.

Conclusion

Conditions 4 and 6 of H04-0199-22 cannot be discharged at this time.

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.