DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-1122-21**	**Applicant:**	**Belmont Contractors Ltd.**
Proposal:	Details of external boxes etc, soakaway system for disposal of surface water, existing & proposed site levels & proposed floor levels and management plan relating to refuse collection point (Conditions 3, 4, 5 & 6 of H04-0176-21)		
Location:	Adj. 22 Quadring Road Donington Spalding		
Terminal Date:	22nd April 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
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
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application on land adjacent 22 Quadring Road, Donington for Details of external boxes etc, soakaway system for disposal of surface water, existing & proposed site levels & proposed floor levels and management plan relating to refuse collection point (Conditions 3, 4, 5 & 6 of H04-0176-21).

SITE DESCRIPTION

The proposal seeks to provide 3 dwellings on grassed garden land, accessed via Quadring Road to the south. 22 Quadring Road is to the east, dwellings at Crosslands are to the north and dwellings at Dave Cook Engineering approved under H04-0894-17 to the west. The site is within Flood Zone 1 on the Environment Agency Flood Maps, and not subject to increased flood hazard or flood risk on the 2115 South East Lincolnshire Strategic Flood Risk Mapping. An email received on 04 February 2022 confirms that the road will be constructed to an adoptable highways specification.

PLANNING HISTORY

H04-0997-19

Outline - Residential development - Approved - 11 November 2019.

H04-0176-21

Full - Residential Development - 3 Dwellings - Approved - 15 April 2021.

CONSULTATION RESPONSES

LCC - County Highways & SUDS Officer

No objections.

SHDC - Environmental Services

"Yes the collection will be fine where it is for our guys to do a collection but as Neil Stratton says we wont be responsible for any cleaning on the collection area."

Black Sluice Internal Drainage Board

"Provided that the planning authority are satisfied that the applicant has met the requirements regarding the permeability of the underlying ground, then the Board have no further comments. Should the proposals subsequently found to be inadequate to prevent future flooding or waterlogging of the development or any surrounding land, then the applicant will be responsible for all costs for any damage caused to land or property."

PLANNING CONSIDERATIONS

Compliance with Condition 3 of H04-0176-21

This Condition states:

"Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.

Reason: To ensure that the Local Planning Authority retains control over these details of the

development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.
This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019."

The proposed service box locations on Plots 1, 2 and 3 are considered to be appropriate.

Condition 3 can now be approved.

Compliance with Condition 4 of H04-0176-21

This Condition states:

"Before the development is commenced beyond oversite, full details of the proposed soakaway system for the disposal of surface water from the development hereby permitted, including percolation test results, shall be submitted to and approved in writing by the Local Planning Authority. This shall include the calculations undertaken to determine the volume of storage required. Should the percolation test results be considered unacceptable by the Local Planning Authority details of an alternative means of providing for surface water drainage shall be submitted for consideration. The approved means of surface water drainage shall be implemented in full before the development hereby permitted is first brought into use.

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 flow rate and six locations for the soakaway systems are considered to be acceptable.

Condition 4 can now be approved.

Compliance with Condition 5 of H04-0176-21

This Condition states:

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.

The existing and proposed site level documents have now been submitted. The site is within Flood Zone 1 on the Environment Agency Flood Maps, and not subject to increased flood hazard or flood risk on the 2115 South East Lincolnshire Strategic Flood Risk Mapping. The general finished floor level across all buildings is 3.6mAOD. As the general existing site level is around 3.4mAOD at the northern rear of the site and 3.9mAOD toward the frontage the bungalows will not be visually prominent from the highway and will not create a material overlooking or overshadowing impact on neighbouring properties.

Condition 5 can now be approved.

Compliance with Condition 6 of H04-0176-21

This Condition states:

No part of the development hereby permitted shall be occupied before details of the proposed refuse collection point (immediately adjacent to the public highway) and its management/maintenance arrangements have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to first occupation of any dwelling and shall thereafter be retained.

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 Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

The private drives guidance note from Environmental Services states:

"The Council Officers would expect to see no more than 6 properties from any one private drive and a carrying distance of less than 30m from bin storage on individual properties to the public highway, from where the Council will collect.
Should the proposal include a waste collection point, this will serve no more than 6 properties. An area of 800mm x 800mm should be provided for each property using the collection point. Design and siting will be expected to take account of impact upon both visual and residential amenity and demonstrate how these impacts have been minimised. Definitive information on the on-going maintenance and responsibility for waste collection points will be required to protect against unmanaged depositing of refuse."

Three properties are served by this driveway and the bin collection area accords with the minimum space of 800mm by 800mm for each property. The collection point is approximately 2.5 metres from the highway but cannot be sited any closer as this land is in highways ownership. This distance has been deemed acceptable for refuse collection crews to serve the three dwellings of this private road. The submitted maintenance plan states:

"We intend to divide the communal entrance equally between the 3 properties on the development. As the some of the areas will fall under one of the homes ownerships, due to the way the solicitor has to divide the area up for land registry purposes, a mutual covenant will be written into all sale agreements that will state all three properties are to repair and maintain the entrance road, shared sewers, fenced, landscaped areas and refuse/recycling areas and any costs arising from such maintenance."

The Environmental Services section has no objections to the submitted details but state that they will not be responsible for the cleanliness of the collection point.

Condition 6 can now be approved.

PLANNING BALANCE

Conditions 3, 4, 5 and 6 of H04-0176-21 are now considered to have been addressed.

CONCLUSION

This application is recommended for 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.