

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H04-1176-20	Applicant:	S & B Developments Ltd.
Proposal:	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)		
Location:	3 Malting Lane Donington Spalding		
Terminal Date:	17th March 2021		

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 2019

Sections 5, 12 and 14 of the National Planning Policy Framework (2019)

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

OTHER STATUTORY BODIES	0	0	0	1
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CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application for 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 at 3 Malting Lane, Donington (Conditions 2, 3, 4, 5, 6, 7 & 8 of H04-0905-20).

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.

HISTORY

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.

H04-1176-20

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

LCC - County Highways & SUDS Officer

No objections - "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."

SHDC - Environmental Protection Officer

"Following receipt of the appendices, I recommend discharge of condition 8 part i of H04- 0905-20, with parts ii-iv remaining outstanding. I look forward to receipt of the site investigation report in due course."

Black Sluice Internal Drainage Board

"The Board notes the applicant's reference to the IDB regarding the disposal of surface water. Whilst their proposals are "agreed" in principle, the agreement is entirely based on the soakaway test results being positive. If the tests prove negative, then the applicant must submit a suitable

alternative to the planning authority for approval, and if there is be any discharge to any watercourse, the prior written consent of the Board must be obtained."

PLANNING CONSIDERATIONS

Condition 2 - Proposed External Materials

The proposed materials for Plots 1 & 2 are Ibstock Ivanhoe Cream Stock brick with Redland Grovebury Terracotta tiles and UPVC Cream windows and doors. Plots 3 & 4 are to be Hartford Red Multi brick, Redland Grovebury Anthracite tiles and UPVC White windows and doors. Plots 5 & 6 are to be Ibstock Ivanhoe Cream Stock brick with Redland Grovebury Farmhouse Red tiles with UPVC Grey windows and doors.

The proposed materials are considered to be appropriate for the site in the context of the wider area.

Condition 3 - Domestic Accoutrements

The proposed gas flues are considered to be appropriately sited. The proposed gas and electricity boxes are to be sited to the side of the bungalows which is considered to be appropriate for the application.

Condition 4 - Full details of drainage

The supporting information states: "The foul drainage will be connected to an existing foul inspection chamber all as shown on approved drawing no. 4671/1C. Surface water drainage will discharge to soakaways, all in accordance with BRE Digest 365 or other approved code. Written evidence of the suitability of soakaways will be submitted to the planning authority for approval, and the soakaways will be positioned so as not to cause any diverse effect on the neighbouring land. The driveway access will be in permeable block paving.

NB. The above is agreed with the Black Sluice Internal Drainage Board."

Black Sluice Internal Drainage Board responded to the above comments stating: ""The Board notes the applicant's reference to the IDB regarding the disposal of surface water. Whilst their proposals are "agreed" in principle, the agreement is entirely based on the soakaway test results being positive. If the tests prove negative, then the applicant must submit a suitable alternative to the planning authority for approval, and if there is be any discharge to any watercourse, the prior written consent of the Board must be obtained."

The proposed drainage details are considered to be appropriate for the site, subject to soakaway test results being positive. This condition can be discharged.

Condition 5 - Water Consumption

The supporting information states: "The water consumption/dwelling is not to exceed 110 litres/person/day and a notice confirming this will be submitted no later than five days after the completion of each individual dwelling."

This matter is not covered by the condition compliance process and would be addressed by the Building Control Department.

Condition 6 - Flood Risk - Floor Levels

The supporting information states: "All floor levels to be 300mm above average ground level - see A4 detail on revised drawing no. 4671/3E showing this on Section BB."

The proposed floor levels are considered to be appropriate for the site which is not subject to increased flood risk on the 2115 South Holland Strategic Flood Risk Mapping. There is not considered to be an overlooking or overshadowing impact from this small increase in height. This condition can be discharged.

Condition 7- Details of Existing and Proposed Site Levels

The supporting information states: "All site levels are to remain as existing with finished floor levels 300mm higher."

The proposed site levels are considered to be appropriate for the site which is not subject to increased flood risk on the 2115 South Holland Strategic Flood Risk Mapping. This condition can be discharged.

Condition 8 - Contaminated Land Scheme

The Environmental Protection Officer has stated "Following receipt of the appendices, I recommend discharge of condition 8 part i of H04-0905-20, with parts ii-iv remaining outstanding. I look forward to receipt of the site investigation report in due course."

Part i of Condition 8 is now considered to have been addressed.

PLANNING BALANCE

The submitted details are considered to be appropriate for the site. The proposal therefore accords with Policies 1, 2, 3, 4, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2019.

CONCLUSION

This condition compliance 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.