DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-1058-24**	**Applicant:**	**Mr S Benjamin**
Proposal:	Details of proposed means of foul & surface water disposal to separate systems, biodiversity measures & finished floor levels (Conditions 3, 5 & 6 of H08-0144-22)		
Location:	Neldar Airbnb Northgate Gosberton		
Terminal Date:	12th March 2025		

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
28	The Natural Environment

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework (December 2024)

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

National Guidance

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge conditions 3 (drainage details), 5 (ecological biodiversity measures) and 6 (compliance with Flood Risk Assessment) of permission H08-0144-22.

Permission H08-0144-22 granted consent for the change of use and conversion of a garage to a holiday let on 04 May 2022.

Site Description

The site is outside of defined settlement limits and the surrounding area is predominately rural, characterised by non-nucleated linear development of varying ages and designs. The nearest residential properties from the proposal are Rosewood which is 105m to the west, and Braemar which is 200m to the east. The site is in Environment Agency Flood Zone 3 and is not subject to increased flood hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping.

Relevant Planning History

H08-0763-17: Rear extension to bungalow - approved 12 September 2017

H08-0131-21: Erection of Garage/Workshop & Irrigation Pond - approved 14 July 2021

H08-0144-22: Change of use/conversion of garage to holiday let - approved 04 May 2022

Consultation Responses

Lincolnshire County Council - Highways and SUDS: No objections.

Welland and Deepings Internal Drainage Board: No response received.

Key Planning Considerations

Condition 3 reads as follows:

"3) Before the commencement of the holiday let use, 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."

Waste water is proposed to be discharged into a septic tank within the site. The overflow pipe from the septic tank is proposed to be distributed to a crate style soakaway. As such, surface water will be distributed to the soakaway. This is acceptable.

Although no response has been received the Welland and Deeping Internal Drainage Board, the Board did not set out any comments for the original application and it is therefore considered likely they would have no objections to the discharge of condition 3.

Condition 5 reads as follows:

"5) Prior to the development being brought into use full details of ecological biodiversity measures to be installed in conjunction with the development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be constructed/installed in accordance with the details so approved prior to the development being brought into use and thereafter retained.

Note: Development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat and barn owl roost boxes and integrating nesting opportunities into buildings. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species.

Reason: To ensure that the development is able to deliver a net gain in biodiversity. This Condition

is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2021."

Various hedgerows are located around the site including an Italian Alder, English Laurel, Elaeagnus, Ebbingei (Ebbing's Silverberry) and Elaeagnus angustifolia (silver berry). Various trees are located around the site which would also support local wildlife. Five bird boxes have been installed. The requirements of the condition have therefore been addressed.

"6) The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment - GCB/BENJAMIN (Prepared by Geoff Beel Consultancy - March 2022) forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

- Finished floor levels shall be set 260mm above the lowest existing ground level.
- Flood resilient construction shall be incorporated into the construction up to 300mm above the finished floor level.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding. This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021."

Condition 6 is a compliance condition and therefore does not need to be discharged.

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.

Conclusion

The details address the requirements of conditions 3 and 5 permission H08-0144-22. Condition 6 does not need to be discharged as it is a compliance condition.

Recommendation

Discharge conditions 3 and 5.