DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0421-23**	**Applicant:**	**Mr B Dawson**
Proposal:	Erection of 5 two-storey dwellings - approved under H09-0284-21. Modification of Condition 2 to allow amendments to previously approved plans and Condition 7 to amend the means of discharge of foul water to a package treatment plant.		
Location:	Land Off Penny Hill Road Holbeach Spalding		
Terminal Date:	11th July 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
31	Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 12. Achieving well designed places.
Section 15. Conserving and enhancing the natural environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

The site is part of an overall area of land that received full planning permission for 26 affordable houses, 4 market houses, sports pavilion and grass football pitches along with associated car parking in March 2014 (ref: H09-789-11). The number of dwellings on the northern section of the site was subsequently increased from 26 to 32 (24 no. market housing and 8 no. affordable). Permissions H09-0475-18 and H09-0323-19 refer. The football pitches and pavilion are in situ and the development has been carried out on the northern section.

An application was granted in May 2021 to increase the number of market properties on the southernmost area of land from 4 houses (2 no. 4 bed and 2 no. 5 bed) to 5 no. 5 bed houses with detached double garages (ref. H09-0284-21). This application is for a modification of conditions 2 and 7 to amend the means of discharge of foul water from the public sewage system to individual package treatment plants for each dwelling.

Site Description

The site (approximately 0.049ha) is located on the eastern side of Penny Hill Road some 110 metres from the A17 junction. It was originally part of a nursery. A bungalow is located to the south and Town Farm Cottage beyond (grade II listed). A bungalow (Five Acres) is situated opposite.

History

H09-0789-11 - Full - Erection of 26 affordable houses, 4 market houses, sports pavilion and grass football pitches along with associated car parking - Granted 11 March 2014.

H09-0475-18 - S73A - Erection of 32 dwellings with associated garaging, roads and sewers (24 no. market housing and 8 no. affordable) - Granted 23 January 2019.

H09-0323-19 - S73A - Erection of 32 dwellings with associated garaging, roads and sewers - approved under H09-0475-18 - Modification of Condition 2 to allow amendments to change house type from Bransby to Ribble - Granted 21 November 2019.

H09-0863-19- Full - Erection of 9 dwellings with associated garaging and driveways - Refused 16 December 2019.

H09-0284-21 - Full - Erection of 5 two-storey dwellings - Granted 14 May 2021.

Consultation Responses

Holbeach Parish Council

No response received.

LCC Highways/SUDs

No objections.

SHIDB

No objections. Infiltration testing results are within acceptable tolerances.

Environmental Protection

No comments.

Public

No response received.

Planning Considerations

The site has permission for 5 no. 5 bed houses with detached double garages (ref. H09-0284-21). This application is solely to amend the means of discharge of foul water from the public sewage system to individual package treatment plants for each dwelling. The main issue, therefore, is whether such arrangements are acceptable.

The applicant has indicated that connection to the existing public sewer "would not be possible because to make the 350m connection from the site to the existing public manhole, we would need to pump, which would require an adoptable pumping station and rising main. The rising main would need to be adopted by Anglian Water and an adoptable pump station on site would require a compound of approximately 8m x 12m and need to be a minimum distance of 15 metres from a habitable building. In addition to this, we would need to install the foul sewer across the A17 carriageway and, when you take into account the works involved, it would make the housing scheme unviable."

Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 state that sustainable development considerations should be met regarding drainage. Policy 4 states that new development should demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

The installation of private treatment plans is a sustainable means of disposal of foul water. Satisfactory infiltration testing has been carried out and the South Holland Internal Drainage Board raise no objections.

Conclusion

The revised foul water drainage facilities are considered acceptable and in accordance with Policies 2, 3 and 4 of the SELLP. There are no adverse impacts that outweigh factors in favour of the scheme.

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.

Recommendation

That the application be approved under delegated powers.