

DECISION DELEGATED TO HEAD OF PLANNING

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Application No: H09-0753-23 **Applicant:** Mr G Carman
Proposal: Details of foul and surface water drainage (Condition 4 (i) of H09-0087-22)
Location: Land To The Rear Of Emmanuel House Main Road Holbeach Drove
Terminal Date: 6th November 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

04 Approach to Flood Risk

31 Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework 2023

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application relates to the discharge of conditions associated with foul and surface water drainage details for land to the rear of Emmanuel House, Main Road.

Site Description

The application site is a long and narrow plot that extends north-south and sits almost at the western edge of Holbeach Drove. It is accessed from Main Road and the bulk lies to the rear of a

frontage plot which benefits from an extant permission for the construction of two dwellings (one of which has been implemented). Adjoining the site to the east are dog kennels (permitted for up to 20 rescue dogs). Development in Holbeach Drove is predominantly frontage and larger detached dwellings, some of which have sizeable curtilages. There are open agricultural fields to the rear of the site.

History

H09-0845-21 - Full - Change of use from paddock to a residential use for travellers (retrospective) including 4 static caravan pitches and associated touring caravan pitches - Withdrawn December 2021.

H09-0087-22 Change of use from paddock to residential use for Gypsy and Travellers (retrospective) to include 2 static caravan pitches, and associated touring caravans. Refused 19.05.2022. An appeal against the refusal was made under reference APP/A2525/W/22/3300517. The appeal was allowed and the decision date was 31 October 2022.

The appeal was allowed subject to conditions, one of which was condition 4 which is the subject of this application. Condition 4 is worded as follows:

4) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:

i) Within 3 months of the date of this decision a scheme for the means of foul and surface water drainage of the site shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation and details on how the systems are to be managed.

ii) If within 11 months of the date of this decision the local planning authority refuse to approve the drainage scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted drainage scheme shall have been approved by the Secretary of State.

iv) The approved drainage scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved drainage scheme specified in this condition, that scheme shall thereafter be retained and managed in accordance with the approved details. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Land to the South

H09-0683-21 - S73 - Demolition of glasshouse and erection of 2 detached dwellings - approved under H09-0783-18. Modification of Condition 2 to allow amendments to previously approved plans and removal of Condition 6 relating to Contamination - Approved August 2021.

H09-0783-18 - Full - Demolition of glasshouse and erection of 2 detached dwellings - Approved June 2019.

Consultation Responses

Internal Drainage Board

Notes that the soakaway is as existing. Does not raise an objection to the details.

Planning Considerations

The key issue to consider in this application is in relation to foul and surface water drainage. As this is not a major application, the Lead Local Flood Authority is not a consultee. The IDB have been consulted and have responded and have no objection.

Details of Condition 4

The first part of condition 4 was to submit details of the foul and surface water drainage scheme within 3 months of the date of the appeal decision. This did not occur - the application was made on the 24 August 2023. However, the details are now before the Council for consideration. It would be unreasonable to refuse consent because the details were not submitted within the timeframe of the condition - it is not expedient to enforce due to this element of the condition. The details are considered below.

Part ii) of Condition 4 stated that if the details were refused within 11 months the applicant may appeal. Part iii) details information about should an appeal be made. Part iv) relates to complying with the approved drainage scheme. The details have not been refused nor an appeal made. The report therefore is mainly concerned with part i) of condition 4.

Details of the foul and surface water drainage scheme have been submitted as follows:

Foul Water

-A Tricel Novo UK8 tank measuring 2.6m x 1.64m wide (1.91 m below ground with a .33m projecting element), height 2.24m inlet/outlet diameter 110, Capacity 4,000 litres, weight 300kg. Capacity is for 8 persons. The base will be 50mm larger than the tank depth to the inlet pipe, compact gravel (50mm) covered with sand and concrete. Access chamber: installed to assist encased within a blockage clearing perforated pipes consisting of 30mm

-A site plan, block plan and location plan show use of the existing soakaway system, an existing old septic tank and a proposed position for the sewage treatment plant, situated in the existing meadow behind the two caravans.

Since there is no connection to the sewerage system there is no impact upon the sewage network. There is no adverse impact on amenity given the majority of the system is underground, with only small elements being above ground.

Surface Water

The submitted drawing shows an existing soakaway that is to be utilised and linked to the proposed new sewage system.

The IDB has responded in terms of the surface water details and has noted that the soakaway is existing. There is no objection to the use of an existing soakaway. They confirmed they did not object.

Maintenance

The only other element to condition 4 is the maintenance of the sewage system and soakaway system that was a requirement of the detailed condition wording. The agent has confirmed a Maintenance Timetable in an email dated the 30th October 2023 which sets out the following:

1. An annual check and de-sludge will be undertaken by a sewage plant specialist which will include:

- Air blower strength/efficiency
- Air filter check/change
- Final water quality
- Mechanical component checks/replacements
- Air pipe checks
- Diffuser checks
- Health of bacteria checks

2. Emptying of tank

3. Any required repairs/maintenance undertaken

4. Monthly inspection of tank/tank area undertaken.

5. Regular inspections, more frequent in autumn to ensure vents are free from leaves, debris and that the air blower is working

6. Record/log inspections and maintenance records to be kept.

It is considered that the submitted details are satisfactory and there is no reason to withhold consent.

Conclusion

The submitted details of the foul sewage system and surface water drainage details are considered satisfactory. The maintenance plan is considered satisfactory.

It is concluded that the foul and surface water drainage details can be approved.

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.