DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0181-25**	**Applicant:**	**Emsway Homes Ltd.**
Proposal:	Details of BNG Plan, existing & proposed site levels & proposed floor levels, means of surface water disposal and means of foul water disposal (Conditions 4, 6, 7 & 8 of H13-0257-24)		
Location:	Rear Of 1 Seas End Road Moulton Seas End Spalding		
Terminal Date:	17th April 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
05	Meeting Physical Infrastructure and Service Needs
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

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

SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge Conditions 4, 6, 7 and 8 of planning approval H13-0257-24, relating to details of a BNG Plan, existing and proposed site levels and proposed floor levels, means of surface water disposal and means of foul water disposal.

Planning approval H13-0257-24 granted outline permission for one residential dwelling.

Site Description

The application site lies to the southern side of Roman Bank in Moulton Seas End. The site has now been cleared of all vegetation and trees. The site is accessed via Roman Bank, using the existing access for No.1 Seas End Road. To the north, east, south and west are dwellings of vary designs. There is a mixture of detached single storey and two storey properties in the locality of varying design and plot size.

History

H13-0257-24 - Full - Erection of dwelling and garage - Approved 17.05.2024

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

South Holland Drainage Board

Byelaw 3 (Surface Water)

This application has been submitted to provide information on the means of surface water disposal and whilst the applicant has indicated on the plans that they intend to dispose of surface water via infiltration, no further information has been provided that proves the viability of this proposal. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration.

If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development Control Charges and Fees.

Byelaw 3 (Treated Foul Water)

As noted above, this application has been submitted to provide information on the means of foul water disposal and whilst I note from the plan that the applicant intends to treat foul waste using a package treatment plant which then discharges to an existing drainage tank, no information has been provided to evidence the viability of is proposal.

If the above method is not feasible and the applicant proposes to discharge treated foul water to a

watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991

I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10

There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

LCC Highway and Lead Local Flood Authority

Recommendation: No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments: Details of BNG Plan, existing & proposed site levels & proposed floor levels, means of surface water disposal and means of foul water disposal (Conditions 4, 6, 7 & 8 of H13-0257-24). The conditions to be discharged are not conditions requested by Lincolnshire County Council - it is for the Local Planning Authority to assess/approve.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Planning Considerations

This proposal seeks to discharge Conditions 4, 6, 7 and 8 of planning approval H13-0257-24, relating to details of a BNG Plan, existing and proposed site levels and proposed floor levels, means of surface water disposal and means of foul water disposal.

Condition Details

The conditions detail:

Condition 4

Prior to the commencement of the development hereby permitted beyond oversite, a Biodiversity Net Gain Plan to demonstrate a net gain in biodiversity on-site shall be submitted to, and approved in writing by, the Local Planning Authority. This shall be supported by a Biodiversity Management Plan setting out how the biodiversity enhancements will be managed and monitored for the lifetime of the development.

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, December 2023.

A Biodiversity Gain Plan, a Biodiversity Net Gain Assessment, and a Pre-Development Plan Baseline Map has been submitted to aid the assessment of this application. The details provided are sufficient and acceptable to discharge Condition 4. The submission outlines that there would be a 0.2023 habitat unit gain.

Taking the above into account it is considered that the proposed Biodiversity Assessment would accord to the condition.

Condition 6

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: Site levels and finished floor levels have not been approved. 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 reduce the risk of flooding of the 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 Policy 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2023.

The submitted plans show that the proposed site levels will not be altered from the existing levels and the finished floor levels will be 3.73 above ordnance datum as per the recommendations within the Flood Risk Assessment.

The details submitted with regard to the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, are all considered to be acceptable therefore condition 6 can be discharged.

Condition 7

Before the commencement of the development hereby granted beyond oversite, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved 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 Section 14 of the National Planning Policy Framework, December 2023.

The applicant intends to dispose of surface water into Soakaways. The relevant consultees have been consulted during the assessment of this application. LCC Highway and Lead Local Flood Authority have raised no objections. South Holland Drainage Board raised comments during the application, questioning the viability of the proposal, recommending a ground investigation is carried out. It should be noted that, should the investigation prove that the disposal of surface water via infiltration will NOT be suitable, then the applicant will need to provide details of an alternative scheme to the Local Planning Authority. Discharge to any watercourse will require the prior written consent of the Board.

Taking all the above into the consideration the submitted details are considered acceptable.

Condition 8

Before the commencement of the development hereby granted, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained and to avoid pollution.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

The relevant consultees have been consulted during the assessment of this application. LCC Highway and Lead Local Flood Authority have raised no objections. However, as above the South Holland Drainage Board recommend that the applicant satisfy themselves that the method is feasible.

Conclusion

The details in relation to Conditions 4, 6, 7 and 8 are acceptable and can 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.