DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0919-24**	**Applicant:**	**Mr A Hubbard**
Proposal:	Details relating to Design & Access Statement & Flood Risk, means of foul & surface water disposal, means of storage & disposal of refuse & recycling, landscaping & tree planting, details of ecological biodiversity measures and water consumption (Conditions 4, 5, 7, 8, 9 & 10 of H13-0629-22)		
Location:	Adj. 2 Pipwell Gate Moulton Seas End Spalding		
Terminal Date:	30th December 2024		

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
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 2: Achieving sustainable development
Section 4: Decision-making
Section 5: Delivering a sufficient supply of homes
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
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge Conditions 4, 5, 7, 8, 9 and 10 of planning approval H13-0629-22, relating to details of flood risk, means of foul and surface water disposal, means of storage and disposal of refuse and recycling, landscaping and tree planting, details of ecological biodiversity measures and water consumption

Site Description

The application site is currently grassland that was formally part of the garden to No. 77 Seas End Road, Moulton Seas End. There is a boarded fence to the boundary of the north, north east, east, and north west with an open frontage to the highway of Pipwell Gate. A house (No 75 Seas End Rd) is situated to the north-west and a bungalow (no 2 Pipwell Gate) to the south-east. A house is also located to the south-west/rear (No 77 Seas End Rd/Stevelands).

History

H13-0594-16 - Full - Erect four bedroomed house - Approved 9th August 2016

H13-0629-22 - Outline - Residential Development - Single Dwelling - Approved 23rd August 2022

H13-0365-24 - Reserved Matters - Residential Development - Single Dwelling - outline approval H13-0629-22 - Approved 17th June 2024

H13-0367-24 - Condition Compliance - Details of Conditions 4, 5, 7, 8, 9 & 10 of H13-0629-22 - Approved 17th June 2024

H13-0920-24 - Reserved Matters - Residential Development - Single Dwelling - outline approval H13-0629-22 - To be determined

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 Internal Drainage Board

Thank you for consulting the Board on the planning application H13-0919-24.

I cannot see that the applicant has provided information relating to foul & surface water disposal within this application therefore the Board have no comments to make.

Should the applicant provide this particular information at a later date, then the Board would like to be reconsulted so that we can provide our comments.

SHDC Environmental Protection

No comments on amendment

LCC Highway and Lead Local Flood Authority

Recommendation: No objection

The details relating to Design & Access Statement & Flood Risk, means of foul & surface water disposal, means of storage & disposal of refuse & recycling, landscaping & tree planting, details of ecological biodiversity measures and water consumption (Conditions 4, 5, 7, 8, 9 & 10 of H13-0629-22) are acceptable in accordance with approved drawings and details submitted with this application.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk 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 surface water flood risk and drainage proposals for this planning application.

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.

Planning Considerations

This application relates to conditions 4, 5, 7, 8, 9 and 10 on Outline application H13-0629-22. A Reserve Matters application (H13-0920-24) has been submitted alongside this application; however, the Local Planning Authority are currently awaiting amended plans due to the current design being unacceptable. Therefore, given the need for the re-siting of the proposed dwellings alongside other amendments, which would then fail to reflect the details provided, the details provided are insufficient 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

In conclusion, for the reasons outlined above, it is considered that the details submitted in relation to Condition 4, 5, 7, 8, 9 and 10 cannot be discharged.