

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0962-25 **Applicant:** Mr A Hubbard

Proposal: Details of proposed means of foul and surface water disposal to separate systems, means of storage and disposal of refuse and recycling including management and maintenance, ecological biodiversity measures and water consumption (Conditions 5, 7, 9 & 10 of H13-0629-22)

Location: Adj. 2 Pipwell Gate Moulton Seas End Spalding

Terminal Date: 1st December 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Representations:

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

CASE OFFICER ASSESSMENT

Description of Proposal

This is application seeks to discharge conditions 5, 7, 9 & 10 of H13-0629-22, which relate to foul and surface water disposal to separate systems, means of storage and disposal of refuse and recycling including management and maintenance, 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

H13-0919-24 - Condition Compliance - Details of Conditions 4, 5, 7, 8, 9 & 10 of H13-0629-22 -
Refused 8th January 2025

H13-0920-24 - Reserved Matters - Residential Development - Single Dwelling - outline approval
H13-0629-22 - Approved 6th May 2025

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:

Highway and Lead Local Flood Authority

"No objection The details of proposed means of foul and surface water disposal to separate systems, means of storage and disposal of refuse and recycling including management and maintenance, ecological biodiversity measures and water consumption (Conditions 5, 7, 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 regarding 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"

South Holland Internal Drainage Board

Outline the parameters whereby consent would be required from the Board, while stating that there does not currently appear to be any need to seek consent from the Board.

Ecologist

"We are confident with all habitat enhancement, management and monitoring methods proposed for this sites and support the discharge of condition 9 of H13-0629-22."

Key Planning Considerations

Condition 5

Wording

"Before the commencement of the development hereby granted beyond oversight, 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"

Assessment

Foul water would flow into a cess pit below the driveway. Considering the scale of development and its semi-rural location, this is considered to be acceptable. The cess pit would be capable of dealing with the waste in a suitable manner.

Surface water will be disposed of via soakaways. Figures showing the viability of this method have been provided and, on this basis, the proposal appears to be agreeable.

The details provided are acceptable and condition 5 can be discharged.

Condition 7

Wording

"The development hereby permitted shall not be commenced before details of the means of storage and disposal of refuse and recycling, as well as appropriate management and maintenance, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of relevant dwellings and shall thereafter be retained."

Assessment

A small sealed area is proposed at the end of the drive, screened by low lying hedges. Given that this collection point would only serve a single dwelling, and would reasonably only be used during bin collection days, the proposal is considered to be acceptable and condition 7 can be discharged.

Condition 9

Wording

"Before the commencement of the development hereby permitted beyond oversite 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 be constructed and retained in accordance with the details so approved."

Assessment

Proposed here is a scheme of planting, aligning with the details provided at Reserved Matters stage, which clearly show a net gain. In addition to this, the following is proposed:

- A bee brick on the east elevation
- A bird box on a north-western tree
- A sparrow box on the western elevation
- A swift box on the western elevation
- A bat box on the western elevation

The details provided are considered to be sufficient to display a net gain. As such, the proposal is considered acceptable and condition 9 can be discharged.

It should be noted that this condition was imposed prior to the statutory biodiversity net gain requirements of Schedule 7A of the Town and Country Planning Act, 1990, and therefore, in line with Policy 28 of the Local Plan, no specific level of net gain needs to be displayed.

Condition 10

Wording

"The water consumption of the dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of the dwelling"

Assessment

The wording of Condition 10 means that it cannot be formally discharged. Details need to be submitted but do not need to be approved. The proposal has met this obligation and so the details provided are acknowledged, although are not formally 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 provided are considered acceptable and Condition 5, 7 and 9 of H13-0629-22 are discharged. The details of Condition 10 are acknowledged, but are not formally discharged.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.