DECISION DELEGATED TO DEVELOPMENT MANAGER

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| **Application No:** | **H14-0757-21** | **Applicant:** | **Bellway Eastern Counties** |
| **Proposal:** | Details relating to Flood Risk Assessment, surface water drainage scheme and foul water drainage strategy (Conditions 9, 13 & 16 of H14-0720-18) | | |
| **Location:** | Land Off Wardentree Lane Pinchbeck Spalding | | |
| **Terminal Date:** | 7th September 2021 | | |

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

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|---|---|
| 02 | Development Management |
| 03 | Design of New Development |
| 04 | Approach to Flood Risk |

**National Guidance**

**National Planning Policy Framework 2021**

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| ENVIRONMENT AGENCY | 0 | 0 | 0 | 1 |
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| OTHER STATUTORY BODIES | 0 | 0 | 0 | 1 |

CASE OFFICER ASSESSMENT

**Proposal**

Details relating to Flood Risk Assessment, surface water drainage scheme and foul water drainage

strategy (Conditions 9, 13 & 16 of H14-0720-18).

Amended details were submitted to clarify the levels strategy, private drainage layout and the highway drainage details.

## Site Description

As host consent.

## History

H14-0720-18. Outline. Proposed residential development of up to 96 dwellings. Approved 08-03-19.

H14-0165-21. RESERVED MATTERS. Erection of 96 dwellings and associated works - outline approval H14-0720-18. Under consideration.

## Consultation Responses

LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

The details submitted to discharge conditions 9 and 16 attached to Decision Notice (H14-0720-18) are acceptable in accordance with approved drawings and details.

Lincolnshire County Council as a Highway and Lead Local Flood Authority are unable to approve condition 13 (Surface Water Drainage Strategy) under approved application H14-0720-18, until such time full details of the S38 Agreement are submitted and approved in writing by this Authority, in accordance with those reasons imposed on the conditions.

Welland and Deepings Internal Drainage Board

The surface water discharge consents and associated development contributions are still to be submitted and agreed with the Board.

IDB officer states that the previous comments regarding the proposed surface water outfall invert levels were advisory for the benefit of the consulting engineer. The IDB officer has discussed the outfall proposals with the developer and they are happy with their design as proposed.

Environment Agency

Have reviewed the planning condition & FRA compliance report dated February 2021 and are satisfied that it complies with condition 9 as all finished floor levels will be above 3.4 metres above Ordnance Datum (AOD).

Do not wish to make any comments on conditions 13 and 16 as these are not within EA remit.

Anglian Water

Foul Water Comments: The foul strategy, as outlined in drawing 1044-03-01 Rev A, is acceptable to Anglian Water, therefore recommend discharge of condition 16.

Surface Water Comments: The surface water strategy is not relevant to Anglian Water, therefore have no comments to make on condition 13.

## Planning Considerations

Condition 9

*The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and in particular the following mitigation measures:*

*i) Finished floor levels are set at 3.4 m above Ordnance Datum (AOD).*

The submitted details accord with the intentions of this condition.

Condition 13

*No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.*
*The scheme shall:*
*a) Provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;*
*b) Provide attenuation details and discharge rates which shall be restricted to 1.4 litres per second per hectare;*
*c) Provide details of the timetable for and any phasing of implementation for the drainage scheme; and*
*d) Provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.*
*The development shall be carried out in accordance with the approved drainage scheme and no dwelling shall be occupied until the approved scheme has been completed or provided on the site in accordance with the approved phasing. The approved scheme shall be retained and maintained in full in accordance with the approved details.*

The submitted details are considered to be acceptable.

Condition 16

*No development shall commence until a foul water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.*

The submitted details are considered to be acceptable.

**Conclusion**

Approve.

**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.