

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0777-23 **Applicant:** Mr T Rogers
Proposal: Details of soakaway system (Condition 4 of H14-0200-23)
Location: The Old Farmhouse Money Bridge Lane Pinchbeck
Terminal Date: 27th October 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01 Spatial Strategy
02 Development Management
03 Design of New Development
36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 12- Achieving well-designed places.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge conditions 4 of planning approval H14-0200-23, relating to details

of soakaways systems.

Planning approval H14-0200-23 granted full planning application for alterations, extension and widening of existing access at The Old Farmhouse, Money Bridge Lane.

Site Description

The application site is a detached two storey dwelling located within a rural location on Money Bridge Lane in Pinchbeck. The dwelling is located within a large plot of land has agricultural land to the east and south that is under the applicant's ownership, with neighbouring properties to the north and west. The property has a gated entrance, with a large, gravelled driveway that continues to the rear.

History

H14-0565-99 - Extension to dwelling - Approved

H14-1400-05 - Conversion of outbuilding to create a dwelling - Refused

H14-0200-23 - Alterations, extension and widening of existing access - Approved

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:

LCC Highway and Lead Local Flood Authority

Recommendation: No objection

The details submitted to discharge Details of soakaway system (Condition 4 of H14-0200-23) are acceptable in accordance with approved drawing 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.

Black Sluice Internal Drainage Board

Provided the planning authority are satisfied with the results of the percolation tests, then the Board have no further comments.

Planning Considerations

This application relates to conditions 4 of the host permission, H14-0200-23.

Condition Details

The conditions detail:

Condition 4

Before the development is commenced beyond oversight, full details of the proposed soakaway system for the disposal of surface water from the development hereby permitted, including percolation test results, shall be submitted to and approved in writing by the Local Planning Authority. This shall include the calculations undertaken to determine the volume of storage required. Should the percolation test results be considered unacceptable by the Local Planning Authority details of an alternative means of providing for surface water drainage shall be submitted for consideration. The approved means of surface water drainage 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 national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

During the application process, both Lincolnshire County Council Highways/SUDS, as Lead Local Flood Authority, and Black Sluice Internal Drainage Board have been consulted. Lincolnshire County Council raised no objections to the details, outlining that the details submitted to discharge the soakaway system condition (Condition 4 of H14-0200-23) are acceptable in accordance with approved drawing submitted with this application.

Furthermore, Black Sluice Internal Drainage Board outlined that "Provided the planning authority are satisfied with the results of the percolation tests, then the Board have no further comments."

It is noted that the condition required the submission of percolation tests results, to inform the suitability of the soakaway system, with an alternative means being required should the results of the test be unacceptable. In this instance, the details as submitted within the Soakaway detail calculations (Page: C/01, prepared by GR Merchant Ltd) are considered to adequately demonstrate its acceptability and the Local Planning Authority are satisfied with the results.

In conclusion, on balance, the details are acceptable and should be discharged.

Conclusion

The details in relation to condition 4 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.