

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0908-23 **Applicant:** T Connors

Proposal: Details of foul & surface water disposal to separate systems, contamination of land or pollution of controlled waters & proposed boundary treatments (Conditions 4, 5 (Part i) & 8 of H14-0402-23)

Location: Land North Of Gatehouse 86 Langhole Drove Pinchbeck

Terminal Date: 12th January 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 12 - Achieving well-designed and beautiful 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
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is an application for the approval of detail reserved by condition under planning application H14-0402-23. Planning permission for 'Use of land for the stationing of caravans for residential purposes, together with the formation of hardstanding and utility/day room ancillary to that use - re-submission of H14-0419-22' was approved on 25th July 2023.

The applicant seeks to discharge conditions 4, 5 and 8. They relate to:

- Condition 4 - Foul & Surface Water Drainage Disposal
- Condition 5 - Land Contamination
- Condition 8 - Boundary Treatments

Site Description

The proposal site lies to the south of Langhole Drove and to the east of Herring Lane, Pinchbeck. The site comprises a parcel of land, which has a current lawful use as land for agricultural purposes.

The site lies to the north-west of the main settlement of Pinchbeck, and when viewing the site in relation to the defined settlement boundaries, the site lies a significant distance outside the defined settlement limits of Pinchbeck. As such, the site is classed as being located in the open countryside.

The surrounding area is predominately rural in nature and is characterised by sparse development of buildings of varying ages and designs, with residential properties adjacent to the west and a further property to the immediate south along with large agricultural style buildings beyond. Directly east of the site runs a trainline with agricultural land directly north.

The site is in Environment Agency Flood Zone 3, with a low hazard area and a predicted maximum flood depth of 500mm on the 2115 South Holland Strategic Flood Risk Mapping.

History

H14-0402-23 - Use of land for the stationing of caravans for residential purposes, together with the formation of hardstanding and utility/day room ancillary to that use - re-submission of H14-0419-22. Approved 25-07-23

Consultation Responses

Black Sluice IDB - The Board notes the change in surface water disposal from the site. The applicant require the prior written consent of the Board before any surface water or treated effluent is discharged from the site. This is mandatory.

The applicant is also reminded of their riparian common law ownership and maintenance responsibilities, as stated in my previous correspondence. Consideration must be given to the route of flow downstream of the site from the discharge point to an appropriately maintained watercourse. If there any off site works or the need for increased maintenance required to safeguard the site discharge for the life of the development

Highways & Suds - No objection: Conditions 4, 5(i) and 8 were not requested by Lincolnshire County Council as the highway authority and lead local flood authority so the authority has no objection to the discharge of those Conditions.

Parish Council - No observations

Environmental Protection - No objections

Planning Considerations

The applicant seeks to discharge conditions 4, 5 and 8 of planning permission H14-0402-23. The consideration relate to the detailed submitted in order to overcome those conditions.

Condition 4 - Foul & Surface Water Drainage Disposal

Condition 4 was attached to planning permission H14-0402-23. It requires the following information:

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.

The applicant has provided a details of the Sewage Treatment Plant (Kingspan Klargestar) showing how the disposal of foul waste is treated. The package treatment plant location is shown on drawing 21_1186A_011_P02; this is considered acceptable.

The applicant has shown on the site plans that surface water will be directed to a drainage ditch to the south west just outside of the site. This requires consent from the IDB under byelaw 3, the IDB have confirmed this during consultation. Given the amount of surface water created by this limited amount of form proposed it is considered that the consenting process provides sufficient mitigation. This is also considered acceptable.

This condition was 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 as is hereby discharged.

Condition 5 - Land Contamination

Condition 5 was attached to planning permission H14-0402-23. It requires the following information:

The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA).

The applicant has provided a Stage 1 Preliminary Risk Assessment (PRA). This details the approach to land contamination on site. Environmental Protection have been consulted and have no concerns. The submitted information is therefore considered acceptable and hereby discharged.

This condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 8 - Boundary Treatments

Condition 8 was attached to planning permission H14-0402-23. It requires the following information:

details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority

The applicant has shown on site plan the location of fencing, gates and hedging including species type as well as elevations of the post and rail and the timber the gate. The trespass proof fence is also shown along the eastern boundary. These details are considered acceptable.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Conclusion

Conditions 4, 5 & 8 of planning permission H14-0402-23 are hereby 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.