

## DECISION DELEGATED TO HEAD OF PLANNING

<b>Application No:</b>	<b>H15-0096-25</b>	<b>Applicant:</b>	<b>Clarke Group</b>
<b>Proposal:</b>	Details of foul & surface water disposal, ecological biodiversity measures, external boxes for gas & electricity supplies, gas flues & soil vent pipes, storage & disposal of refuse & recycling, construction management plan & method statement & prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development (Conditions 8, 9, 13, 14, 15 & 16 of H15-0360-22)		
<b>Location:</b>	Land Adjacent To 62 Water Gate Quadring Spalding		
<b>Terminal Date:</b>	28th March 2025		

### 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
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
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  
Section 16: Conserving and enhancing the historic environment

### Representations:

	Object	Support	No Obj.	Comments
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HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	2	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

## **CASE OFFICER ASSESSMENT**

### **Proposal**

This proposal seeks to discharge Conditions 8, 9, 13, 14, 15 and 16 of planning approval H15-0360-22, relating to details of foul & surface water disposal, ecological biodiversity measures, external boxes for gas & electricity supplies, gas flues & soil vent pipes, storage & disposal of refuse & recycling, construction management plan & method statement & prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development.

Planning approval H15-0360-22 granted outline permission for the principle of residential development.

### **Site Description**

The application site is currently grass land located off Water Gate in Quadring. The site is situated between Nos. 62 and 70 Water Gate, with open fields to the north and south. The site is located within the settlement boundary of Quadring and is within Flood Zone 3.

### **History**

H15-0097-25 - Condition Compliance - To Discharge Conditions 2 and 3 of H15-0865-24 - To be determined

H15-0865-24 - Reserved Matters - Erection of 7 detached dwellings - outline approval H15-0360-22 - Approved 09.12.2024

H15-0360-22 - Outline - Proposed Residential Development - Approved 27.06.2022

H15-0582-19 - Full - Erection of 4 dwellings to be used as holiday lets and associated works including roadway and accessible play park - Approved 06.08.2019

H15-1171-17 - Reserved Matters - Erection of 8 detached dwellings - outline approval H15-0621-16 - Approved 26.04.2018

H15-0621-16 - Outline - Residential Development - Approved 23.09.2016

### **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:

#### Welland & Deepings Internal Drainage Board

Since my previous comments made under reserved matters application H15-0865-24, the consulting drainage engineers have confirmed to me that connectivity from the receiving riparian watercourse into the Board's system does exist. Therefore, the principle of discharge into the riparian watercourse is still agreeable with the Board in principle, subject to the submission of an application for consent to discharge surface water prior to connection.

Any application is subject to the agreement of technical details, payment of the application fee as well as the previously quoted development contribution of £9,035.22. Please note that development contributions are subject to annual increase in line with RPI.

It has been correctly identified that the Board's prior written consent will be required for the proposed new site entrance access culvert.

#### Anglian Water

Foul Water Comments: the foul strategy as outlined in PROPOSED SURFACE & FOUL WATER DRAINAGE STRATEGY SW24-223-REP-01A is acceptable to Anglian Water we can recommend part discharge of condition 8.

Surface Water Comments: PROPOSED SURFACE & FOUL WATER DRAINAGE STRATEGY SW24-223-REP-01A shows that surface water is not connecting to an Anglian Water owned asset, we have no comments to make.

#### SHDC Environmental Protection

No comments

No comments regarding land contamination.

#### LCC Highway and Lead Local Flood Authority

Recommendation: No objection

The Details of foul & surface water disposal, ecological biodiversity measures, external boxes for gas & electricity supplies, gas flues & soil vent pipes, storage & disposal of refuse & recycling, construction management plan & method statement & prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development (Conditions 8, 9, 13, 14, 15 & 16 of H15-0360-22) are acceptable in accordance with approved drawings and details submitted with this 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.

#### **Public Representation**

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, one letter of representation has been received.

These can be summarised as follows:

-A query of land ownership has been raised in relation to the boundary between No.62 and the application site.

#### **Planning Considerations**

This proposal seeks to discharge Conditions 8, 9, 13, 14, 15 and 16 of planning approval H15-0360-22, relating to details of foul & surface water disposal, ecological biodiversity measures, external

boxes for gas & electricity supplies, gas flues & soil vent pipes, storage & disposal of refuse & recycling, construction management plan & method statement & prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development.

### Condition Details

The conditions detail:

#### Condition 8

*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.*

*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.*

#### Foul Water

The relevant consultees have been consulted during the assessment of this application. Anglian Water have raised no objections and have confirmed that the foul strategy as outlined in Proposed Surface & Foul Water Drainage Strategy Ref: SW24-223-REP-01A is acceptable to Anglian Water. They therefore recommend the discharge of condition 8.

#### Surface Water

The relevant consultees have been consulted during the assessment of this application. LCC Highway and Lead Local Flood Authority have raised no objections. Welland & Deepings Internal Drainage Board have confirmed that the consulting drainage engineers have confirmed that connectivity from the receiving riparian watercourse into the Board's system does exist. Therefore, the principle of discharge into the riparian watercourse is still agreeable with the Board in principle. The applicant will have to submit an application for consent to discharge surface water prior to connection direct to the drainage board.

Taking all the above into the consideration the submitted details are considered acceptable.

#### Condition 9

*Before the commencement of the development hereby permitted beyond oversight 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.*

*Note: Development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat and barn owl roost boxes and integrating nesting opportunities into buildings. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species.*

*Reason: To ensure that the development is able to deliver a net gain in biodiversity.*

*This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2021.*

A Biodiversity Assessment Report has been submitted to aid the assessment of this application. The report outlines what the applicant intends to feature within the site to accord to this condition.

#### Planting

Firstly, a landscaping scheme is proposed within the site. This includes the planting of 30m of new hedgerows and the planting of 65 trees around the site, using native species. The plan also includes the existing grassland to be enhanced with species rich grassland.

## Bats

Within the site one integrated bat box is to be installed on the side elevation of the garages for plots 02 and 06.

## Birds

With regards to bird boxes, Starling, Sparrow and Schwegler boxes are proposed within the elevations of some of the elevations of the plots.

Taking the above into account it is considered that the proposed Biodiversity Assessment Report would accord to the condition.

## Condition 13

*Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.*

*Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.*

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

On all house types A, B and C to the rear elevation is a proposed standalone air source heat pump, with one electric box to the side of the property.

The locations of the external boxes for gas and electricity supplies and of any gas flues and soil vent pipes are all considered acceptable and Condition 13 can be discharged.

## Condition 14

*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.*

*Note: For residential development, reference should be made to the Council's published PRIVATE DRIVES - WASTE VEHICLE COLLECTION SERVICE - GUIDANCE NOTE when submitting these details.*

*Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.*

*This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.*

The waste collection is outlined within the proposed site plan. There is a proposed waste collection point located adjacent to the highway. All plots are to use the communal collection point on the day of collection only. Each dwelling is to store their own waste until collection day.

Four dwellings are located within the 30m guidance, with only three dwellings outside of the 30 m carrying distance, the furthest dwelling is located 55m away from the waste collection point. It is considered that the submitted details are adequate.

## Condition 15

*The development hereby permitted shall be undertaken in accordance with a Construction Management Plan and Method Statement that shall first be submitted to, and approved in writing*

by, the Local Planning Authority.

*The Construction Management Plan and Method Statement shall include details of;*

- how disturbance during the construction process through noise, dust, vibration and smoke shall be minimised;*
- the phasing of the development to include access construction;*
- the parking of vehicles of site operatives and visitors;*
- the loading and unloading of plant and materials;*
- the storage of plant and materials used in constructing the development;*
- wheel washing facilities;*
- a strategy stating how surface water run off on and from the development will be managed during construction*

*Reason: In the interests of the amenity of local residents, the safety and free passage of those using the adjacent public highway and to ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, the permitted development during construction.*

*This Condition is imposed in accordance with Policies 2, 3, 4 and 30 of the South East Lincolnshire Local Plan, 2019.*

The relevant consultees have been consulted and have raised no objections the Highways Authority confirmed the following "the conditions are acceptable in accordance with approved drawings and details submitted with this application." The submitted details are considered acceptable, and the condition can be discharged.

#### Condition 16

*Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before commencement of the construction of the development and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development.*

*Reason: In the interests of highway safety during the construction process. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019.*

The relevant consultees at the Highways Authority have been consulted and have raised no objections confirming the following "the conditions are acceptable in accordance with approved drawings and details submitted with this application." The submitted details are considered acceptable, and the condition can be discharged.

#### Other Matters

During the application, representation has been received with regard to the land ownership of the land located to the southwest. The Local Planning Authority provided the representative the opportunity to supply copies of the ownership of the land in question. However, to date this has not been forthcoming.

Due to Certificates of Ownership not being required to be signed within the submitted Discharge of Conditions application form, the Local Planning Authority has continued with the determination of the application and raised the matters with the applicant.

#### **Conclusion**

The details in relation to conditions 8, 9, 13, 14, 15 and 16 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.