

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0018-24 **Applicant:** Seagate Homes (UK) Ltd

Proposal: Details of site levels & floor levels, surface water disposal, foul water disposal & biodiversity enhancement measures (Conditions 10, 12, 13 & 14 of H16-0134-23)

Location: Millfield House Spalding Common Spalding

Terminal Date: 6th March 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment

National Guidance

National Planning Policy Framework 2023

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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application is for the discharge of conditions 10, 12, 13 & 14 attached to H16-0134-23. The conditions relate to:

- Condition 10 - Site Levels
- Condition 12 - Surface Water Disposal
- Condition 13 - Foul water disposal
- Condition 14 - Biodiversity enhancement measures

Site Description

The site, which has an area of approximately 0.2ha, comprises part of the side and rear garden areas to a large, detached frontage property.

The site is adjoined to the south and east by new residential development taking place on the nursery site. The site is located within Flood Zone 2.

The level of the footpath (alongside Spalding Common) on the western side of the site is 3.36m ODN and this side of the site slopes down to a level of 2.40m ODN 25 metres from the western boundary. Further east the levels are lower with an average of 2.30m ODN. The northern part of the site east of the existing house is higher with levels between 2.40m and 2.60m ODN. The existing house has a finished floor level of 2.89m ODN.

Planning permission for a residential development of nine dwellings.

History

H16-0134-23 - Residential Development (9 Dwellings). Approved 19-10-23

Consultation Responses

Highways (Suds) - The approval of conditions do not relate to any highways requested conditions.

IDB - I note from the submitted drainage layout reference: 12689-WMS-ZZ-XX-DR-C-39201-S3, Revision P4 that surface water disposal is now proposed to connect at a controlled rate into the SUDS system being constructed for the adjacent major Seagate Homes development already approved on the old Millfield Nursery site. This is agreeable with the Board in principle but will require the written consent of the Board prior to works commencing on site.

Planning Considerations

The following considerations are relevant:

Condition 10 - Site Levels

The condition requires the developer:

Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

The finished floor levels of dwellings are set at 3.4m AOD, across all 9 plots. They are sited in the location as approved under H16-0134-23. The elevations show that there are 3 x pairs of semi-detached properties with hipped roofs and a terrace of 3 with the end plots hipped.

The closest property is 'Millfield House' which is a bungalow dwelling and this is set on a much lower topography. Plot 1 and plot 9 are the closest plots. Plot 1 (with 2 and 3 attached) are located to the south of Millfield, in between which is the access road through the development, the separation distance is circa 6m. This relationship is side to side of which there are some impacts by way of overshadowing and overbearing these were considered in the officer report of the original submission which ultimately assessed this relationship to be acceptable.

Plot 9 is located to the west and this location has already been approved and considered acceptable by the issuing of planning permission H16-0134-23. This would have some impact by way of overbearing upon the rear amenity space and outlook from the rear openings of Millfield. There would also be some overshadowing of the amenity area in the later parts of the day. The separation distance between plot 9 and the rear elevation is greater than the separation between plot 1 and Millfield.

Whilst there are some impacts in relation to overshadowing and overbearing, these have been previously considered under planning application H16-0134-23. This permission also under condition 9 was explicit in that finished floor levels must be no lower than 3.4m AOD (in line with the FRA), though the condition states that 'The above approved plan does not constitute final approval of detailed site levels or finished floor levels.' Notwithstanding this the decision was based on information contained within the South East Lincolnshire SFRA as well as EA standing advice. It is of note that the development site adjacent (recently approved H16-0551-22) also has agreed finished floor levels set at a minimum of 4.4m AOD. Therefore, it is unlikely that these FFLs could be set any lower.

In terms of the discharge of condition 10 it is considered that the impact by way of overshadowing/bearing (especially given the FFL requirements to be at 3.4m AOD) is acceptable and has been assessed and addressed by the original officer assessment. This same assessment ensured that all side openings were to be non-opening and obscurely glazed, which mitigates overlooking.

The applicant has set the finished floor levels at the heights required by the original permission and the location of the dwellings are in accordance with the previous approval. On this basis it is considered that condition 10 is hereby discharged.

Condition 12 - Surface Water Disposal

The condition requires the developer:

Before the commencement of the development hereby granted beyond oversight, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

The applicant has provided a drainage layout as well as drainage details plan. Both the IDB and LLFA have been consulted and have no objections to the drainage strategy. This condition was imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 13 - Foul water disposal

The condition requires the developer:

Before the commencement of the development hereby granted, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

The applicant has provided a drainage layout as well as drainage details plan which includes the disposal of foul water waste. Both the IDB and LLFA have been consulted and have no objections to the drainage strategy, furthermore a connection into the existing system is mitigated further by the undertakers consenting processes.

Condition 14 - Biodiversity enhancement measures

The condition requires the developer:

Before the commencement of any development hereby permitted, full details of biodiversity enhancement measures to be implemented in conjunction with the development, shall be submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate how the measures comply with Policy 28 of the South East Lincolnshire Local Plan (2019)

The applicant has provided a landscaping and bio-diversity plan, the plan shows the locations of bat boxes, hedgehog boxes (and highways) Sparrow, House Martin and Swift Boxes. This approach is considered acceptable and would satisfy the requirements of the condition.

This condition was imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 as is hereby discharged.

Conclusion

Conditions 10, 12, 13 & 14 attached to H16-0134-23 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.