

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0505-25 **Applicant:** Mr R Campanaro

Proposal: Details of existing & proposed site & floor levels & foul & surface water disposal (Conditions 4 & 5 of H16-0330-20)

Location: Tidswell Bungalow Burr Lane Spalding

Terminal Date: 17th July 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework December 2024

Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks to discharge conditions 4 and 5 of H16-0330-20, relating to details of existing and proposed site levels as well as foul and surface water disposal.

Site Description

The site is located outside of any settlement boundary outlined in the South-East Lincolnshire Local Plan, 2019, but is within a small residential area. There is defined frontage development on each side of Burr Lane. The character is predominantly residential in a countryside setting. There is a range of designs, appearances, and ages along the street scene; although the prevailing building is a gable roofed bungalow. Despite this prevailing building type, there is a growing prominence of two-storey detached dwellings. There is no prevailing colour scheme present.

The proposed site is currently the domestic garden and driveway of the dwelling Tidswell Bungalow. The driveway runs to the east and extends to the rear of the garden and backs onto the yard of the

neighbouring property 19B Fen End Lane. A sheltered structure stands in the driveway. The intended dwelling will be flanked by a large bungalow to the west and a recently built two-storey detached house.

Relevant History

- H16-0330-20 - Outline. Residential Development. Approved 11/06/20.

- H16-1051-22 - Reserved Matters. Residential Development - Erection of Detached Dwelling - Outline Permission H16-0330-20. Approved 05/06/23.

Consultation Responses

In this instance, consultation was not sought from external consultees, given the nature of the proposal.

Key Planning Considerations

Condition 4

Condition 4 of H16-0330-20 reads as follows:

"Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the details so approved."

The proposal shows a finished floor level of 10.3m, which is approximately 700mm higher than the lowest point of the site and 300mm higher than existing site levels at the road. It should be noted here that the adjacent dwelling to the east has been raised by approximately 500mm.

The flood risk assessment submitted as part of H16-0330-20 required a minimum increase in finished floor level of 300mm. To this end, the proposed levels are considered acceptable and would ensure the dwelling safe from the impacts of flooding. The FFL is broadly consistent with neighbouring dwelling and is only 300mm above road level, thereby preventing a significant character impact emerging from the proposed site levels.

Condition 5

Condition 5 states:

"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."

It is proposed that surface water would be drained via soakaways. While percolation tests to show the viability of this method have not been submitted, it is considered that proposed method would be broadly acceptable. The viability of soakaways in the immediate area has been established under the neighbouring scheme, and there is no evidence before the Council that infiltration is not acceptable here.

It is proposed that foul water is to be disposed of to a main sewers. Anglian Water are obliged to accept additional connections. Therefore, the proposed foul water drainage method is considered acceptable.

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.

Conclusion

Taking these factors into consideration, the details are considered to have met the requirements of Condition 4 and 5 of H16-0330-20. As such, it is recommended that the condition be discharged.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.