

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0710-22 **Applicant:** Mr Wilson

Proposal: Residential Development 9 x 1.5 storey houses - approved under H16-0193-19. Modification of Conditions 13, 14 & 15 relating to access roads and drainage - re-submission of H16-0263-21

Location: Land South East Of Littleworth Drove Lucks Bridge

Terminal Date: 31st December 2022

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
06	Developer Contributions
11	Distribution of New Housing
19	Rural Exception Sites
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

SEC 73 MODIFICATION - Residential Development 9 x 1.5 storey houses - approved under H16-0193-19. Modification of Conditions 13, 14 & 15 relating to access roads and drainage.

Specifically, this application seeks to amend the condition requirements set by Conditions 13 (Road to be adopted as Highways Maintainable at the Public Expense), 14 (Engineering, Drainage, Street Lighting and Constructional) and 15 (Surface Water Run-Off - Outline) of H16-0193-19, which in its self is a SEC 73 MODIFICATION.

This would enable the development to be served via a private road, rather than an adopted road, and for a specified drainage scheme to be provided, due to the constraints of the site. In addition, an indication is given of private waste and recycling collection.

The application is supported by a Proposed Drainage Strategy, drawing showing the Drainage General Arrangement, a Maintenance Responsibility Plan, information regarding Maintenance Responsibilities, a Suggested Restrictive Covenant and a sample Service Agreement & Waste Transfer Note, to illustrate the management of the site.

Site Description

As host consent.

History

H16-0692-22. CONDITION COMPLIANCE. Details of scheme to deal with boundary treatment, means of foul water disposal and storage & disposal of refuse & recycling (Conditions 6, 16 & 19 of H16-0193-19) - re-submission of H16-0254-21. APPROVED 29.11.22.

H16-1179-20. RESERVED MATTERS. Erection of 9 dwellings - outline approval H16-0193-19. UNDER CONSIDERATION.

H16-0263-21. SEC 73 MODIFICATION. Residential Development 9 x 1.5 storey houses - approved under H16-0193-19. Removal of Conditions 13, 14 and 15 relating to access roads and drainage. REFUSED. 29-07-21.

H16-0254-21. CONDITION COMPLIANCE. Details of scheme to deal with contamination, boundary treatment, means of foul water disposal and storage and disposal of refuse and recycling (Conditions 4, 6, 16 and 19 of H16-0193-19). REFUSED. 29-07-21.

H16-0193-19. SEC 73 MODIFICATION. Residential development - 9 x 1.5 storey houses - approved under H16-0621-17 - Removal of Condition 4 to remove the 1.000 square metre floor space element of the condition. APPROVED . 23-04-19.

H16-0621-17. Residential development - 9 x 1.5 storey houses. Approved. 11-01-18.

H16-0787-02 - outline application for 63 dwellings. This was a larger site area and was refused on 27 November 2002 due to being in a countryside location, poor visibility to the south due to the positioning of Lucks Bridge causing a highway safety issue, and on flood risk grounds.

Consultation Responses

LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage 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 drainage proposals for this planning application.

NO OBJECTION.

Although no alternative wording for Conditions to 13, 14 and 15 (of H16-0193-19) appears to have been submitted for approval, it is inferred that the Applicant's intention, in submitting this Application, is to remove the requirement for the roads and footways within the Consented development to be adopted as public highways. Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has no objection to that desire and therefore not wish to object to this planning application.

Welland and Deepings Internal Drainage Board

Restricted surface water discharge outflow and two effluent discharges are acceptable in principle; will need IDB consent.

Fence needed to enable access.

Need for IDB consent to relax 9m bylaw distance.

Homeowners need to be advised of requirement for no obstructions within the 9 metre easement strip, preferably within the property deeds.

Planning Considerations

The purpose of the conditions appended to the host consent and the previous S73 consent are to ensure that the access road would be constructed to a standard for public adoption, and for a sustainable drainage scheme to be provided.

This application seeks to revise the development so that it is served by a private drive. This has a knock on effect to refuse and recycling collection, that needs to consider methods of collection outside public collection, in accordance with the SHDC Environmental Services recently adopted Private Drives - Waste Vehicle Collection Service - Guidance Note, which is a material consideration when looking at planning proposals. Refuse collection details have been approved (H16-0692-22. CONDITION COMPLIANCE refers), and the detailed arrangements are listed as approved documents.

It is considered that the information provided gives sufficient comfort that the development could be acceptably serviced via a private road.

Regarding the drainage details submitted, this has been carefully considered by LCC as Lead Highway & Flood Authority, as well as the Internal Drainage Board, and no objections are made. It is considered that the details submitted are acceptable.

It is recommended that the conditions are revised to take in to account the submitted details.

Conclusion

Approve.

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.