

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0985-23 **Applicant:** Mr P & Mrs R Bowman

Proposal: Details of surface water disposal & water efficiency calculation (Conditions 3 & 4 of H16-0949-22)

Location: 175 St Johns Road Spalding Lincolnshire

Terminal Date: 2nd 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
17 Providing a Mix of Housing
30 Pollution

National Guidance

National Planning Policy Framework 2023

Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application is to discharge conditions 3 and 4 of H16-0949-22. The conditions relate to details of surface water disposal and water efficiency calculations.

Site Description

The site is situated within the settlement boundary of Spalding and is fairly central within the town, lying approximately 850 metres south-west of the town centre. The site is on the southern section of

St John's Road. The site is approximately 30 metres west of Lancelot Way, and 70 metres from St John Baptist Church.

The site currently features a 20th Century semi-detached dwelling with associated modern, ancillary outbuilding. This dwelling is typical of the built form within the area, with the locale being characterised by terraced and semi-detached dwellings of a similar age. There is relative uniformity in the use of materials. 175 St John's Road represents an end to the established build line, with the plots to the south-west, beginning with 177 St John's Road, being well set back from the road.

Relevant History

H16-0949-22 - Full - Extensions & alterations to form new dwelling and extension to existing dwelling - Refused 27/01/23 - Allowed on appeal 23/10/23.

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:

Highway and Lead Local Flood Authority

"No objection: As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk 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 surface water flood risk and drainage proposals for this planning application. The water efficiency of the Consented dwelling is not a matter for consideration by the highway authority and lead local flood authority and so no comment is offered by the authority on this point"

Welland and Deepings Internal Drainage Board

"Further to receipt of the above, I confirm that Welland & Deepings IDB have no comment to make with regard to this application."

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Evaluation

Section (5), (5A), (5B) and (5C) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The adopted South-East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is the development plan for the district, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework, December 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Condition 3

Condition 3 states:

Prior to commencement of the development, full details of the means of surface water disposal shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to first occupation.

Condition 3 relates to the details of surface water disposal. A soakaway would be placed within the rear garden of 175 St Johns Road.

The proposed drainage strategy is considered to be acceptable. The use of soakaways is considered to be appropriate given the scale of the plot. The proposal achieves the aims of condition 3 and as such, it is considered that condition 3 can be discharged.

Condition 4

Condition 4 states:

Prior to first occupation of the new dwelling, a copy of the water efficiency calculator for new dwellings from Building Regulations Approved Document Part G shall be submitted to the local planning authority, detailing the sanitary ware and water-consuming appliances for the new dwelling. This shall demonstrate that the new dwelling will achieve water use of not more than 110 litres per person per day.

The submitted documents show that water consumption has been calculated at 108.48 litres per person per day. This is below the conditioned maximum of 110 litres. As such, the details conform to condition 4 of H16-0949-22.

Conclusion

The submitted details achieve the requirements of their respective conditions. Conditions 3 and 4 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.