DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H01-0187-23	**Applicant:**	Mr & Mrs S Pywell
Proposal:	Details of levels survey, ecological biodiversity measures and foul & surface water disposal. (Conditions 3, 5 and 6 of H01-1011-22)		
Location:	44 Backgate Cowbit Spalding		
Terminal Date:	30th June 2023		

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 2021

Section 5 Delivering a sufficient supply of homes
Section 11 Making effective use of land
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.

Representations:

	Object	Support	No Obj.	Comments
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of levels survey, ecological biodiversity measures and foul & surface water disposal. (Conditions 3, 5 and 6 of H01-1011-22).

The proposal relates to the details associated with conditions 3, 5 and 6 of H01-1011-22 for a single dwelling which relate to levels, ecological biodiversity measures and foul and Surface water

disposal.

Condition 3 relates to the need for a levels survey.

Condition 5 relates to Biodiversity measures.

Condition 6 relates to Foul and Surface Water drainage.

Site Description

The plot is on a linear residential street on the east side of Backgate within the settlement boundary of Cowbit. The plot has an unoccupied bungalow on the site which sits forward of the general building line. The street consists of a mixture of single storey and two storey dwellings of varying styles and materials.

History

H01-1011-22 single storey two bedroom bungalow. Approved on 6 December 2022.

Consultation Responses

South Holland Internal Drainage Board

Initial Response

Surveyed site levels indicate that surface waters will most likely follow a gravity flow path from the road surface
eastwards past the proposed dwelling. No levels however, have been provided for the adjacent dwellings to the north and south. The materials or sizing of the soakaway to be located within the driveway/front garden area have
not been specified. If the soakaway capacity is exceeded then it is possible that overspill could affect these neighbouring properties. We repeat our advice (02/11/2022) that the soakaway system should be:

(i) underpinned with satisfactory results achieved by infiltration testing to BRE Digest 365 methods and
(ii) provide sufficient storage volume to prevent flooding of adjacent properties. The soakaway system installed will of course, need to meet current Building Control Regulations.

The need for this information was been conveyed to the agent. Amended plans were received.

Subsequent Response

The additional level survey information presented in drawing Floor Plans - Proposed Elevations - Proposed Site & Location Plans 4033-22 Rev H (G R Merchant Ltd. June 2023) provides some reassurance that the surface water flow path will likely trend from the road eastwards. Whilst we uphold our recommendation to conduct infiltration testing to BRE 365 methods, on the basis that the replacement dwelling will be largely situate over the current footprint and made ground, testing may not provide a true picture of the surrounding ground conditions. If the mitigation measures identified in the Flood Risk Assessment submitted under application H01-1011-24 are followed along with the proposed soakaway constructions then the Board will be satisfied that the flood risks of this minor development have been minimised.

Planning Considerations

Levels - Condition 3

Condition 3 Wording:

Prior to the commencement of development, a detailed levels survey of the site, recording existing ground levels Above Ordnance Datum, including drawings showing the resulting ground and floor levels following construction of the dwelling, shall be submitted to and approved in writing by the local planning authority. The finished floor level of the dwelling shall be set at a minimum of 0.3m above surveyed existing ground level with 0.3m of flood resilient construction above finished floor

level in accordance with Flood Risk Assessment ECL0863 prepared by Ellingham Consulting Ltd dated October 2022 unless non-material variations which do not give rise to additional or different likely significant effects are agreed in writing with the Local Planning Authority.

Reason: To ensure that the development does not increase the risk of flooding or be at risk of flooding and to protect surrounding amenity. This Condition is imposed in accordance with Policies 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021.

The submitted amended plans show spot level heights above Ordnance Datum and in relation to adjoining properties together with a cross section. The difference in levels does not appear to be significant to cause issues associated with loss of amenity to neighbouring properties. The finished floor level is at 2700 above OD, the same as the road. Surrounding heights range between 2390, 2430, 2575 above OD and neighbours range at 2450, 2370 and 2345 above OD. It is considered that the details associated with levels are satisfactory.

Biodiversity - Condition 5

Condition 5 Wording:

No above ground work shall commence until full details of ecological biodiversity measures and small scale landscaping that benefits biodiversity shall be submitted to and approved in writing by the Local Planning Authority. Any planting shall be provided within the first planting season following construction. The measures shall be provided in accordance with the details so approved and shall be retained thereafter. 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 the building and by planting that benefits invertebrates. The use of swift bricks would help to 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.

The submitted ecological information includes 1 open fronted bird nesting box, 1 close hole nesting box, swift bricks, and two bat bricks which need to face north. These are shown on the amended plans.

These details are considered satisfactory to discharge condition 5.

Surface and Foul Water Drainage - Condition 6

Condition 6 Wording:

No above ground work shall commence unless and until 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.

Surface Water

The IDB initially commented that no levels information in relation to the adjoining properties were submitted. Amended plans showed levels information. The IDB also wanted an infiltration test, but the agent responded that the applicants are elderly, and they are happy to do an infiltration test but need to undertake this when they secure a builder. The IDB was asked if the lack of an infiltration test removes their objection.

The IDB responded that the additional level survey information presented on 4033-22 Rev H provides some reassurance that the surface water flow path will likely trend from the road

eastwards. Whilst infiltration testing to BRE 365 methods is still recommended, testing may not provide a true picture of surrounding ground conditions, the Board are therefore satisfied that the flood risks of this minor development have been minimised.

On the basis of this response it is considered that the surface water information in relation to condition 6 detail can be discharged.

Foul Water

Foul water is to be connected to the sewer. The IDB has confirmed that these details are satisfactory and as a result, Foul water as part of condition 6 can be discharged.

Conclusion

The submitted details are considered satisfactory and it is recommended that conditions 3, 5 and 6 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 note 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.