

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H06-0990-23 **Applicant:** Bourne & Axa
Property Services Ltd

Proposal: Details of site & floor levels, surface & foul water disposal, ecological biodiversity benefits & cycle rack (Conditions 3, 4, 5, 6 & 7 of H06-1173-22)

Location: Off Pinstock Lane Gedney Spalding

Terminal Date: 3rd January 2024

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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

Details of site & floor levels, surface & foul water disposal, ecological biodiversity benefits & cycle rack (Conditions 3, 4, 5, 6 & 7 of H06-1173-22).

Site Description

This is a 0.08 hectare rectangular plot of land on the eastern side of Pinstock Lane, currently with a single point of access to the site, close to the junction with Church End within the settlement of Gedney & Church End and Black Lion End. On site is a bungalow in the centre of the plot in a poor state of repair. Along the northern boundary is a footpath. There are various trees along the front of the site. The boundary with the neighbouring property has a thick tree screen comprised of conifers.

A footpath exists along the northern boundary.

History

H06-0896-22 - Erection of 2 dwellings including demolition of existing dwelling. Refused on 25th November 2022 for the following reason:

"The proposal would be a cramped form of development by reason of its size, scale, layout and design, representing overdevelopment of the site and visual enclosure of the plot, out of keeping with this part of Pinstock Lane, adversely affecting the street scene and landscape character of the immediate vicinity. The proposal is therefore contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan 2019, and Section 12 of the National Planning Policy Framework (2021) which collectively seek a higher standard of design, a strong sense of place which is sympathetic to local character and landscape setting with a focus upon design quality that maximises opportunities to improve the character and quality of an area."

H06-1173-22 - Full - Residential Development - re-submission of H06-0896-22. Approved 27 January 2023 subject to conditions.

Consultation Responses

Local Highway Authority

The details submitted in pursuit of discharging Conditions 3, 4, 5, 6 and 7 of H06-1173-22 are satisfactory in so far as how they would be expected to impact upon the safe operation of the adjacent public highway and so the highway authority does not wish to object to the discharge of those Conditions.

Whilst the original Application was not a Major, and the responsibility for determining the acceptability of the surface water drainage proposals therefore rests with the Local Planning Authority, it is nevertheless suggested that the proposed soakaway at the front of the dwelling might be better located in the garden area, rather than under the driveway at the entrance to the property.

Internal Drainage Board

Byelaw 3 (Surface Water)

The applicant has indicated that they intend to dispose of surface water via infiltration, however I cannot see that the viability of this proposal has been evidenced. We recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration.

If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3.

Please note that we recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent

for discharges in excess of greenfield rate.

Byelaw 3 (Treated Foul Water)

I note that the applicant intends to dispose of foul water to a main sewer. Should the applicant's proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991

I note the presence of a watercourse which is not maintained by the Board (a riparian watercourse) adjacent to the eastern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10

There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Chairman - Pedals

No objection to Cycle Stand.

Planning Considerations

The proposal relates to a number of conditions associated with the host consent which will be replicated below with the details on the submitted material included and commented on:

Condition 3 Wording

Condition 3 relates to levels. The condition is worded as follows:

"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 incorporated into the building fabric and design above finished floor level 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 Policy 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021."

Condition 3 Submitted Details

The site plan shows the following spot heights AOD:

Adjoining Highway: 2.92
Entrance: 2.835

Within the Site:

Northern Boundary: 2.605
South of Garage: 2.615
South of Patio: 2.655
Garden Adjacent to Neighbour: 2.575
Garden South West Corner: 2.6

Average internal Site Levels $(2.605 + 2.615 + 2.655 + 2.575 + 2.6)/5 = 2.61$

Finished Floor Level: 2.95

Therefore the average internal site level is at least 0.34 above existing ground level, calculated as

an average across the site.

The Damp proof course is shown at 2.835.

It is not thought that levels would result in a building that would overshadow the neighbouring property.

The submitted details are therefore considered satisfactory and as a result it is considered that these details can be discharged.

Condition 4 Wording

Condition 4 relates to surface water and is worded as follows:

"Before above ground work beyond oversite commences, 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.

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."

Condition 4 Submitted Details

Plan 4052-22 02D shows elevations, floor plans, the location plan and the existing and proposed site plan. The site plan shows three soakaways - one within the entrance and two in the rear garden.

The Local Highway Authority has suggested that the soakaway beneath the front drive be positioned in the garden rather than under the drive. This comment can be included as a note on the permission. It is not an objection or reason to withhold consent to the details from a planning perspective.

The IDB wanted to see evidence that infiltration is feasible. This is not an objection, and as a result it is considered this information can be included as an informative on the consent. Additional information can be provided in line with their other comments should the plans change that affect their byelaws.

Subject to including appropriate notes on the consent, it is considered that details for Condition 3 and satisfactory and this condition can be discharged.

Condition 5 Wording

Condition 5 relates to Foul Water and is worded as follows:

"Before above ground work beyond oversite commences, 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.

Reason: To ensure that the site is adequately drained and to avoid pollution. This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019."

Condition 5 Submitted Details

Plan 4052-22 02D shows a notation that foul water is to be connected to the Main Sewer. This aspect is considered acceptable and as a result the condition can be discharged.

Condition 6 Wording

Condition 6 relates to Biodiversity Measures and is worded as follows:

"Before above ground work beyond oversite commences, full details of ecological biodiversity

measures that benefits biodiversity shall be submitted to and approved in writing by the Local Planning Authority. 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."

Condition 6 Submitted Details

The agent has submitted a document titled 'Ecology Management Scheme'. The report documents the introduction of a hedgerow along the front garden, with a biodiversity margin which would assist with biodiversity, aesthetics and landscaping. This will be a species rich hedgerow. The mixed hedge comprises Hawthorn (*Cratequs Monogyna*), Beech (*Fagus Sylvatica*) Blackthorn (*Prunus Spinosa*) Buckthorn (*Rhamnos Cathartica*). The hedge is to be double row, staggered. Distance between plants is to be 300mm, distance between rows is to be 450mm, using The Woodland Trust specifications. All planting is to be in accordance with B 4428:1989 and amendment No. 1 (1991). All trees to be planted with minimum 0.6m plastic mulch mat and to be staked, tied and tubed.

Also included within the landscaping are Silver Birch, White Beam, Grass, and mixed shrubs comprising Canadale Gold, Mexican Orange Blossom, a Zebra Plant, a Foxtail Fern, and a flowering Cherry.

There will be 1/3 to 1/2 bag of peat free tree and shrub planning compost to be incorporated into backfill for each tree hole.

A 1-2m buffer strip will be created adjacent to the hedgerow as shown on drawing 4052 02D. This will protect the hedgerow and boost biodiversity.

A open fronted bird nesting box and a close hole bird nesting box will be positioned at least 3m above ground, together with a Bat Brick on the rear eastern elevation shown on Drawing 4052 02D.

The submitted details are considered to improve Biodiversity Net Gain on site and are satisfactory and it is suggested that the details associated with this condition can be discharged.

Condition 7 Wording

Condition 7 relates to Cycling Storage and is worded as follows:

"Prior to the occupation of the dwelling hereby permitted the design and location of a cycle rack shall be provided to be located either on an external wall of the garage, within the garage or within the curtilage of the dwelling, in a position which shall be approved in writing by the Local Planning Authority. The approved cycle rack shall be installed and retained thereafter.

Reason: To ensure that adequate secure facilities are provided for cyclists using the dwelling. This Condition is imposed in accordance with Policy 36 of the South East Lincolnshire Local Plan, 2019."

Condition 7 Submitted Details

Plan 4052-22 02C shows an example of a vertical cycle rack to be positioned inside the garage of the dwelling. Pedals have responded that they do not object to the cycle rack.

It is considered that these details are satisfactory and as a result this condition can be discharged.

Conclusion

It conclusion, the submitted details are satisfactory and the details associated with the conditions 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.