DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H07-0118-24**	**Applicant:**	**Mr A Zdroba**
Proposal:	Details of first floor window in southern side elevation serving obscure glazing, additional tree planting & surface water disposal (Conditions 3, 4 & 6 of H07-0987-22)		
Location:	32 Hillgate Gedney Hill Spalding		
Terminal Date:	30th April 2024		

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
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework 2023

Section 2. Achieving sustainable development.
Section 12. Achieving well designed and beautiful 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
RESIDENTS	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

The application is to discharge conditions 3, 4 and 6 of H07-0987-22 (details of first floor window, additional tree planting and surface water disposal). It is a re-submission following refusal of condition compliance application ref. H07-0594-23.

Site Description

The site is located on the western side of Hillgate just north of the junction with Highstock Lane. The house is approaching practical completion and the garage/store/shed is partially in use.

The former Red Lion public house (grade II listed) is situated to the south, which is currently being converted to residential. A grass strip and electricity sub-station are located to the north-east, plus grazing land to the rear (west). A pair of semi-detached houses (no's 28 and 30) are situated beyond and a bungalow (no 26) to the north-west at the rear. Bungalows are located opposite.

Recent Site History

H09-0987-22 - S73A - Erection of double garage/store/shed (part retrospective) - approved under H07-1040-19. Modification of Condition 1 to allow amendments to previously approved plans - Approved 13 Dec 2022

H07-0986-22 - Erection of two storey dwelling - retrospective - approved under H07-0815-20. Modification of Condition 1 to allow amendments to previously approved plans - Approved 13 December 2023

H07-0815-20 - Erection of two storey dwelling - retrospective - Approved 14 January 2021

H07-1040-19 - Erection of double garage/store/shed (part retrospective) - Approved 29 May 2020

H07-1162-17 - Full - Proposed two-storey dwelling, 34 Hillgate, Gedney Hill - Approved 2 March 2018

H07-0594-23 - Cond Comp - Details of first floor window, additional tree planting and surface water disposal (Conditions 3, 4 and 6 of H07-0987-22) - Refused 23 November 2023.

Consultation Responses

South Holland Internal Drainage Board

Note that the applicant has changed their proposal for the disposal of surface water from 100% infiltration to include an additional direct discharge into a piped watercourse. As previously advised, we would typically recommend that the proposed strategy is supported by infiltration testing in line with BRE Digest 365 (or equivalent) to see whether the soakaways can work efficiently. As a part retrospective application, we would ask that you as the LPA satisfy yourselves that this system is viable in this location without increasing flood risk on or adjacent to the site.

The direct discharge to a piped watercourse at the eastern corner of the site will require consent from the Board in line with Byelaw 3.

SHDC Building Control

We will only ask for a percolation test if the surface water or treatment tank is to infiltrate within the plot. However, for our use, this is something the client can carry out themselves following the relevant guidance and calculate the size of the soakaway or drainage field based on those results.

In relation to utilising the adjacent drain we would need the applicant to confirm their ownership or provide evidence of permission to go into it from the owner.

Public

Objections received (summarised):
- Without results of a percolation test it is not possible to assess the appropriateness of the applicants' proposed drainage system. Current information submitted incorrect and not creditable.
- Surface water discharging onto neighbouring land/flooding.

- Land is clay which doesn't work well with drainage.
- Doesn't drainage need to be approved as part of building regulations?
- The overflow from this system still appears to be being piped into the field behind this plot, which belongs to Elgoods. Has permission been gained for this? Will we still flood? Will the peak flow rate of 4ltrs/sec be changed by the use of this system? Are we just moving the problem to a different place further along the fence?
- Each step of this installation needs to be carefully monitored.
- Concerned applicant is going to build a wall to raise the land for the tank he is installing. Will the footings encroach onto our land?
- Foul water drainage inadequate.
- Harm setting of listed building.

Planning Considerations

Condition 3 (details of first floor window) - The window has been installed and is obscure glazed as required by the condition.

Condition 4 (additional tree planting) - Planting upon the site includes a Rowan (mountain ash) and an Olive tree, plus shrub planting within the front garden. The details are considered acceptable on balance and constitute a bio-diversity net gain.

Condition 6 (full details of means of surface water disposal) - The applicant proposes disposing of surface water from the detached garage via a 15,000 litre rainwater harvesting tank with an overflow to a well and water attenuation tank and thereafter an outfall to a riparian drain to the south-west over neighbouring land. However, insufficient details have been provided of the exact specification of the wells/tanks, etc and the degree of infiltration within the plot.

The South Holland Internal Drainage Board has been consulted and has stated the following:

The applicant has changed their proposal for the disposal of surface water from 100% infiltration to include an additional direct discharge into a piped watercourse. As previously advised, we would typically recommend that the proposed strategy is supported by infiltration testing in line with BRE Digest 365 (or equivalent) to see whether the soakaways can work efficiently. As a part retrospective application, we would ask that you as the LPA satisfy yourselves that this system is viable in this location without increasing flood risk on or adjacent to the site.

In essence, it is considered that the information presently submitted does not satisfactorily demonstrate that the proposed rainwater system is viable without increasing flood risk on or adjacent to the site. Consequently, condition 6 cannot presently be discharged.

It should be noted that Land Drainage Consent will also be required from the South Holland Internal Drainage Board to discharge into the riparian drain to the south-west under the Board's Byelaw 3. This matter is the subject of separate legislation.

Other matters

Issues have been raised concerning the setting of the adjacent listed building and also foul drainage. The former was addressed as part of the original application. The latter is not the subject of this application.

Conclusion

That the application be refused for the reasons outlined above.