

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H07-0311-24 **Applicant:** Mr A Zdroba

Proposal: Details of landscaping, foul water disposal and soakaway system for disposal of surface water (Conditions 3, 11 and 12 of H07-0815-20)

Location: 32 Hillgate Gedney Hill Spalding

Terminal Date: 30th May 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	0	0	0	3

CASE OFFICER ASSESSMENT

Proposal

The application is to discharge conditions 3, 11 and 12 of H07-0815-20 (details of landscaping, foul water disposal and soakaway system for disposal of surface water).

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

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

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

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

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

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

H07-0594-23 - 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.

H07-0118-24 - Cond Comp - 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) - Refused 26 April 2024.

Consultation Responses

South Holland Internal Drainage Board

Note that the applicant's proposal includes a direct surface water discharge into a piped watercourse in addition to the use of a soakaway. We would typically recommend that the proposed discharge to soakaway is supported by infiltration testing in line with BRE Digest 365 (or equivalent) to evidence whether the soakaways can work efficiently. As a part retrospective application, if the soakaways have already been installed 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 south-western corner of the site will require consent from the Board in line with Byelaw 3.

The applicant has indicated that they wish to discharge treated foul water to the same aforementioned piped watercourse following treatment by package treatment plant. This proposal will require consent under Byelaw 3.

Strongly recommend that Land Drainage Consent is sought from the Board prior to determination of this planning application.

SHDC Building Control

The rainwater soakaway to the front of the dwelling should be sized accordingly based on the results of a percolation test carried out in that area of the plot.

The attenuation tank should be kept a minimum 5 metres from any building and a minimum 2.5 metres from the boundary.

The outlet from the treatment plant should either be to the drainage ditch (as per application to SHIDB) or to a drainage field, not a soakaway. If the site has been excavated and replaced with hardcore, a drainage field will not work adequately.

Public

Objections received (summarised):

- Complex system. Insufficient data provided to allow the LPA to assess any change in the flood risk to neighbouring property.
- The submission does not represent an approved design with objective evidence of functional capability and given its retrospective nature the as built configuration of the system cannot be effectively assessed.
- Given that a large percentage of the site is now impermeable, consider water management to require a robust assessment by the LPA. Clearly there is limited area on site remaining for soakaways and associated water management infrastructure.
- Object to the retrospective approval of this installation given it is already installed and consequently the dimensions of soakaways, pipes and tank capacities cannot be confirmed.
- Fail to see how the proposal can be assessed prior to the IDB giving approval under Byelaw 3 to grant a discharge into the dyke.
- Who has given permission for drain across neighbouring land?
- House not complimentary to street scene or Red Lion PH.
- Concerned applicant is going to build a wall to raise the land for the tank he is installing. Will the footings encroach onto neighbouring land?

Planning Considerations

Condition 3 (landscaping) - 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.

It should be noted that the application was approved prior to mandatory requirements for Biodiversity Net gain as introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) which came into effect in April 2024 and requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. For applications such as the current scheme, submitted prior to the introduction of this requirement, a standard biodiversity condition was appropriate. This is considered sufficient at this time to conform with Policy 28 of the South East Lincolnshire Local Plan, 2019.

Condition 11 (Foul drainage) - The applicant has indicated that foul water would be disposed of to a Marsh Enco 12 people treatment plant, with an outlet of treated water to a 4000L soakaway. However, SHDC Building Control have stated that the outlet should either be to a drainage ditch (as per the application to SHIDB) or to a drainage field (not a soakaway). If the site has been excavated and replaced with hardcore a drainage field would not work adequately.

Condition 12 (Full details of means of surface water disposal) - The submitted plan indicates that surface water from the front section of the house would be disposed of to a soakaway within the front garden. Surface water from the remainder of the house (and detached garage) would be disposed of via a 7,500 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. Consent appears to have been obtained from the neighbouring land owner to the south to connect the outfall pipe to the riparian drain.

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

Note that the applicant's proposal includes a direct surface water discharge into a piped watercourse in addition to the use of a soakaway. We would typically recommend that the proposed discharge to a soakaway is supported by infiltration testing in line with BRE Digest 365 (or equivalent) to evidence whether the soakaways can work efficiently.

SHDC Building Control has also been consulted and has stated the following:

The rainwater soakaway to the front of the dwelling should be sized accordingly based on the results of a percolation test carried out in that area of the plot.

The attenuation tank should be kept a minimum 5 metres from any building and a minimum 2.5 metres from the boundary.

The outlet from the treatment plant should either be to the drainage ditch (as per application to SHIDB) or to a drainage field, not a soakaway. If the site has been excavated and replaced with hardcore, a drainage field will not work adequately.

In light of the above comments, it is considered that the information presently submitted does not satisfactorily demonstrate that the proposed foul and rainwater systems are viable without increasing flood risk on or adjacent to the site. Consequently, conditions 11 and 12 cannot presently be discharged.

It should be noted that Land Drainage Consent is also 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 effect upon the street scene and also the setting of the adjacent listed building. These matters were addressed as part of the original application.

Conclusion

That the application be refused for the reasons outlined above.