

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H22-0083-25 **Applicant:** Highgrove Homes (Spalding) Ltd

Proposal: Details of site & floor levels, soakaway system & boundary treatments (Conditions 5, 6 & 8 of H22-1070-23)

Location: Land Off High Road Weston Spalding

Terminal Date: 27th March 2025

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
28 The Natural Environment

National Guidance

National Planning Policy Framework December 2024

National Planning Policy Framework (December 2024)

Section 2 - Achieving sustainable development
Section 4 - Decision-making
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

National Guidance

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge conditions 5, 6 and 8 of permission H22-1070-23.

Permission H22-1070-23 granted consent for the erection of two dwellings on 08 February 2024.

Site Description

This site is located outside any defined settlement limits as identified within the Local Plan. The site is within a predominately rural area, characterised by non-nucleated linear development of varying ages and designs. The nearest dwelling to the west is Zion House which is approximately 400m from the site, and Charlton House which is approximately 390m to the east.

Relevant Planning History

H22-0190-19: (Outline Application) Residential development (4 plots) - refused 02 May 2019

H22-0733-19: (Outline Application) Residential development (4 plots) - approved 09 February 2021

H22-1070-23 (Outline application) Residential Development - Erection of 2 Dwellings - approved 08 February 2024

H22-0574-24: Modification of 106 Agreement relating to removal of indistinguishable element (planning approval H22-0733-19) - approved 07 August 2024

H22-0810-24: (Discharge of Conditions) Details of archaeological report addressing a future trial trench excavation of the site (Condition 10 of H22-1070-23) - approved 08 November 2024

H22-0801-24: (Reserved Matters) Residential Development - Erection of 2 Dwellings - Outline Approval H22-1070-23 - approved 17 January 2025

Consultation Responses

South Holland Internal Drainage Board: Byelaw 3 (Surface Water) The applicant has indicated that they intend to dispose of surface water via infiltration and I can see that they have provided supporting information which includes ground investigation and percolation testing. We recommend that you satisfy yourselves that the submitted ground investigation shows that infiltration is feasible, and that subsequent percolation testing has been carried out in line with BRE Digest 365 standards. If infiltration is not feasible, following the drainage hierarchy, we would expect the applicant to propose to discharge surface water to a watercourse. If this is proposed, consent would be required from the Board under Byelaw 3. Please note that we recommend that any discharge is in line with the NonStatutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate. A surface water development contribution is likely to be payable as a condition of any consent granted under Byelaw 3 in line with the WMA's Development Control Charges and Fees. 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 south/east site boundary and that works are proposed to alter this watercourse via the installation of 2no access culverts as shown in drawing "Proposed Site Layout" (Reference 095 p01, Seven 22 Architecture, July 2024). To enable this proposal consent is required under Section 23 of the Land Drainage Act 1991 (and byelaw 4). The Board request that the applicant contacts this office to discuss this proposal further. Byelaw 10 There are no Board maintained watercourses within or adjacent to the site boundary therefore Byelaw 10 does not apply.

Lincolnshire County Council - Highways and SUDS: The conditions for discharge are not

Lincolnshire County Council requested conditions - it is for the Local Planning Authority to assess. The front boundary treatment is set at the highway boundary, and it does not impact visibility.

Environmental Protection: No comments regarding land contamination or environmental protection .

Key Planning Considerations

Condition 5 reads as follows:

"Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Note: Site levels and finished floor levels have not been approved. Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: To reduce the risk of flooding of the development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, December 2023."

The proposed levels for the site are set out within the submitted plan 'Proposed Site Layout' (095 P01 Rev B). The levels are suitable as they align with the approved details from the reserved matters permission. The site levels are also similar to the neighbouring plots which will help the development transition into the street scene.

Condition 6 reads as follows:

"Before the development is commenced beyond oversight, full details of the proposed soakaway system for the disposal of surface water from the development hereby permitted, including percolation test results, shall be submitted to and approved in writing by the Local Planning Authority. This shall include the calculations undertaken to determine the volume of storage required. Should the percolation test results be considered unacceptable by the Local Planning Authority details of an alternative means of providing for surface water drainage shall be submitted for consideration. The approved means of surface water drainage 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 Section 14 of the National Planning Policy Framework, December 2023."

The proposed soakaways are indicated within the submitted plan 'Proposed Site Layout' (095 P01 Rev B). The soakaways are proposed to be located in the rear gardens of the dwellings. The submission is accompanied by a Ground Investigation Report which concludes that the ground conditions within the site and percolation test results indicate that the site is suitable for the use of infiltration drainage techniques for disposal of run-off water. The proposed soakaways are therefore considered to be suitable for the development.

The submitted plan Proposed Site Layout (095 P01 Rev B) sets out that works are proposed to alter the watercourse adjacent to the south/east site boundary. The watercourse is not maintained by South Holland Internal Drainage Board (IDB), however, the IDB have set out that as works are proposed to alter this watercourse via the installation of two access culverts, consent is required under Section 23 of the Land Drainage Act 1991 (and byelaw 4). The IDB has therefore requested that the applicant contacts the IDB to discuss this further.

The applicant's agent has subsequently contacted the IDB. It has been clarified that consent had been granted by the IDB on 28 November 2022 under Section 23 of Land Drainage Act 1991 for works to alter the riparian watercourse. The works have however not been completed. The IDB

previously granted consent for the works to Highgrove Homes (Spalding) LTD. Since the consent was granted, the ownership of the land has changed. Therefore, the applicant (the new landowner) needs to apply for the consent from the IDB for the works again as consents granted by the IDB cannot be sold, inherited or otherwise passed on. The applicant therefore needs to apply to the IDB separately for consent again.

As consent was previously granted it is considered likely that consent will be granted again. Notwithstanding this, this is a separate matter from the planning process. The submitted details are acceptable for the purposes of discharging the condition and the recommendation is therefore to discharge the condition based on the submitted details.

Condition 8 reads as follows:

"Prior to its installation, details of the proposed boundary treatments, including a schedule of fencing levels, heights and materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use and retained thereafter.

Note: Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019."

The proposed boundary treatments are set out within the submitted plans 'Proposed Site Layout' (095 P01 Rev B) and 'Proposed Sectional Elevation & Boundary Treatments' (095 P04 Rev A). Two types of boundary treatments are proposed. The Type A boundary treatment comprises a featherboard fencing which is 1.83m high. This boundary treatment is proposed along the front and rear boundaries. The Type B boundary treatment comprises a post and rail fence which is 1.2m high and this fencing is proposed along the neighbouring boundaries and between the proposed dwellings. The boundary treatments are consistent with the fencing that was approved under the reserved matters application and as such the details are acceptable.

Conclusion

The details address the requirements of conditions 5, 6 and 8 of permission H22-1070-23.

Recommendation

Discharge conditions 5, 6 and 8.

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.