DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0026-24**	**Applicant:**	**Mr S Haynes**
Proposal:	Details of site levels & floor levels, foul & surface water disposal, archaeological investigation, boundary treatments, ecological biodiversity measures & water consumption (Conditions 5, 6, 7, 11, 12 & 13 of H23-0970-22)		
Location:	Ravens Bank Whaplode St Catherine Spalding		
Terminal Date:	8th March 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

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	0	1

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge Conditions 5, 6, 7, 11, 12 and 13 of planning approval H23-0970-22, relating to details in relation to site levels and floor levels, foul and surface water disposal, archaeological investigation, boundary treatments, ecological biodiversity measures and water consumption.

Planning approval H23-0797-23 granted planning permission for the erection of one dwelling.

Site Description

The site is located on Ravens Bank in Whaplode St Catherine. The site comprises a rectangular shaped plot and is located outside any defined settlement boundary and within the countryside in policy terms. The immediate area is characterised by mainly open countryside with a small number of dwellings along the road with Little South Holland Drain to the north and open fields to the south. The site is within the Environment Agency Flood Zone 3.

History

H23-0970-22 - Outline - Erection of Single Storey Dwelling - Approved 14.02.2023

H23-0797-23 - Reserved Matters - Erection of Single Storey Dwelling - Approved 27.10.23

H23-0031-24 - Condition Compliance - Details of external materials (Condition 3 of H23-0797-23) - Approved 06.02.2024

Consultation Responses

Historic Lincolnshire

The Written Scheme of Investigation for Archaeological Monitoring and Recording submitted complies with condition 7 of H23-0970-22. The condition can be discharged.

LCC Highway and Lead Local Flood Authority

Recommendation: No objection. The details of site levels & floor levels, foul & surface water disposal, archaeological investigation, boundary treatments, ecological biodiversity measures & water consumption (Conditions 5, 6, 7, 11, 12 & 13 of H23-0970-22) are acceptable in accordance with approved drawings and details submitted with this application which are not highway related.

South Holland Internal Drainage Board

Byelaw 3 (Surface Water)

I note that 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 has not indicated how they propose to dispose of foul water from the development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991

I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary, however this should be confirmed by the applicant. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in

the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10

The nearest Board maintained watercourse, F42 Little Holland Drain (Drain ID: DRN197P4208) lies to the north of Raven Bank road. I note the applicant intends install foul drainage infrastructure within 9 metres of the aforementioned watercourse (Building Regulations Drawing Site & Location Plans, Drawing Number 1000 BR02, Swann Edwards Architecture, January 2024). To enable this proposal, consent would be required under Byelaw 10, and I recommend that the applicant contacts this office to make an application for this consent at their earliest convenience. To avoid conflict between the planning process and the Board's regulatory regime, we recommend that the required consent is sought prior to the determination of this planning application.

Planning Considerations

The application is to discharge Conditions 5, 6, 7, 11, 12 and 13 of planning approval H23-0970-22, relating to details in relation to site levels & floor levels, foul & surface water disposal, archaeological investigation, boundary treatments, ecological biodiversity measures & water consumption.

Condition Details

The conditions detail:

Condition 5

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: 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 ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent 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 Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

The land levels are propsoed to increase from the exisitng levels of between approximately 2.2 and 2.6 AOD to a proposed level of 3.191 AOD, which is consistent with the highway of Ravens Bank. This provides a notable increase; however, the levels are considered to be appropriate given its surrounding context and the separation to neighbouring properties; coupeld with the site levels of these immediately neighbouring residential properties.

Taking all the above into the consideration the submitted site and finished floor levels are considered acceptable.

Condition 6

Before the commencement of the development hereby granted beyond oversite, 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.

Whilst details have been provided, in that surface water would be discharged via infiltration, the viability of this proposal has not been evidenced. Consequently, it has not been demonstrated that the proposed surface water drainage strategy is satisfactory. The comments raised by the Internal drainage Board have highlighted these concerns further and as such, it is considered that the detail is not currently in a position to be discharged. Therefore, the condition cannot be discharged.

It is also noted that there is no indication on the proposed disposal of foul water from the development. Therefore, the condition cannot be discharged.

Condition 7

No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.
The archaeological site work shall only be undertaken in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2021. 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 29 of the South East Lincolnshire Local Plan, 2019.

LCC Archaeology have been consulted and have indicated that written scheme of investigation for archaeological monitoring and recording submitted complies with condition 7 of H23-0970-22. They therefore recommend that condition 7 can be discharged.

Condition 11

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.

1.8m close boarded fence is proposed to the eastern and western boundary with a 1.2m close boarded fence proposed to the southern boundary.

Taking all the above into the consideration the submitted boundary treatments are considered acceptable.

Condition 12

Before the commencement of the development hereby permitted beyond oversite full details of ecological biodiversity measures to be installed in conjunction with the development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be constructed/installed in accordance with the details so approved prior to the development being brought into use and shall thereafter be retained.

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 buildings. The use of swift bricks on new developments would help 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 details provided are insufficient to be acceptable to discharge condition 12. The sole ecological 'benefit' illustrated is the inclusion of 'one swift box and bat box'. The provision of one swift box and one bat box is not sufficient to ensure the proposal complies with policy 28 and, it should also be noted that swift bricks should typically be installed in groups of at least three and above a height of 5.0metres and as such, whilst further provision is required in any event, the proposed swift bricks are also insufficient in their own assessment. These details are therefore unacceptable and can therefore not be discharged.

Condition 13

The water consumption of the dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of the dwelling.

Reason: To protect the quality and quantity of water resources available to the district.
This Condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan, 2019.

This condition cannot be discharged until the dwelling has been built and occupied.

Conclusion

To conclude, for the reasons outlined above, it is considered that the details submitted in relation to Condition 5, 7, and 11 are acceptable and as such can be discharged. However, the details in relation to Conditions 6, 12 and 13 lack adequate information and/or comprise unacceptable detail and as such it is the recommendation that these conditions are refused and not 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.