

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-0907-22 **Applicant:** Taas Ltd

Proposal: Details of external gas and electricity boxes, existing and proposed site levels and floor levels, foul and surface water disposal and ground gas protection measures (Conditions 3, 5, 6 & 8 of H23-0897-20)

Location: Rear Of 260 High Road Whaplode Spalding

Terminal Date: 1st April 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

- 5 - Delivering a sufficient supply of homes
- 12 - Achieving well-designed places
- 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
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application for land to the rear of 260 High Road, Whaplode. This application provides details of external gas and electricity boxes, existing and proposed site levels and floor levels, foul and surface water disposal and ground gas protection measures (Conditions 3, 5, 6 & 8 of H23-0897-20).

An amendment was submitted to add soakaway calculations. A further amendment was submitted to provide elevation plans that are in accordance with the parent application H23-0897-20. A final amendment was submitted to provide site sections.

SITE DESCRIPTION

The proposal is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and design. The proposal site is in Flood Zone 3 on the Environment Agency flood mapping, but not in an increased flood hazard or depth area on the 2115 South Holland Strategic Flood Risk Mapping. Therefore a sequential test is not required. Finished floor levels are to be 300mm above existing ground level at 3.8m AOD.

RELEVANT HISTORY

H23-0331-07

Outline - Residential development - erection of pair of semi-detached houses (details of layout, scale and access committed) - Refused - 16 January 2008.

H23-1234-18

Full - Proposed bungalow - Approved - 13 February 2019.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 29th September 2022 to 20th October 2022)

South Holland Internal Drainage Board - 18 October 2022

No objections to foul water drainage.

"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."

South Holland District Council - Environmental Protection - 22nd September 2023

"I recommend discharge of condition 8 part i of H23-0897-20."

Responses Received following Re-consultation (Consultation period between 9th October 2023 to 30th October 2023)

Lincolnshire County Council - Highways & SUDS Officer - 12th October 2023

No objection:

"Conditions 3, 5, 6 and 8 of H23-0897-20 were not requested by the highway authority and so the Authority does not wish to raise any objection to these Conditions being discharged."

South Holland Internal Drainage Board - 30th October 2023

"The applicant has indicated that they intend to dispose of surface water via infiltration and I note they have provided soakaway sizing calculations in support of their application. However, I cannot see evidence that the viability of this proposal has been proven through ground investigation and the infiltration rate is tested in accordance with BRE Digest 365 standards. The Board recommends that on site testing is undertaken to determine infiltration potential of the onsite material. Following the drainage hierarchy, if a strategy reliant on infiltration proves unviable, we would usually expect the applicant to propose a discharge to a watercourse. However, I acknowledge that this option may be unlikely, as I am not aware of any watercourses in the immediate vicinity of the site. Nonetheless, if the applicant proposes to discharge surface water to a watercourse, 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."

South Holland Internal Drainage Board - 4th December 2023

"In light of further conversations with the applicant, I am pleased to see that initial testing shows that a drainage strategy reliant on infiltration is likely to be achievable on the proposed development, as evidenced within Soakaway Calculations - Amendment 1. If for any reason a strategy wholly reliant on infiltration does not prove viable and a surface water discharge is proposed to a watercourse, 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. However, I acknowledge that this option may be unlikely, as I am not aware of any watercourses in the immediate vicinity of the site, although this should be confirmed by the applicant."

Responses Received following Re-consultation (Consultation period between 8th January 2024 to 18th January 2024)

Lincolnshire County Council - Highways & SUDS Officer - 11th January 2024

"Please be advised that the amended details do not alter Jon's final response dated 11 October 2023."

South Holland Internal Drainage Board - 17th January 2024

"After reviewing the new information submitted on the planning portal, the Board has no further comments to make."

PLANNING CONSIDERATIONS

Compliance with Condition 3 of H23-0897-20 - Domestic Accoutrements

Condition 3 states:

Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.

Reason: To ensure that the Local Planning Authority retains control over these details of the

development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

The gas and electricity boxes will be sited on the east facing side elevation close to the south facing frontage. The location is not visually prominent and allows for easy access.

Condition 3 of H23-0897-20 has now been addressed.

Compliance with Condition 5 of H23-0897-20 - Details of Existing and Proposed Site Levels

Condition 5 states:

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 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 national guidance contained in Section 14 of the National Planning Policy Framework, 2019.

The site section plan shows a very flat site averaging 3.35m AOD to the front and rear. This area has been stripped off topsoil so is likely to be around 3.50m AOD, which would correspond with the proposed finished floor levels being set at 3.80m AOD. The surrounding land beyond the site boundary is also around 3.50mAOD. Due to the separation distances, and a 1.8 metre high fence bordering this single storey dwelling, there is not considered to be a material overlooking, overbearing or overshadowing impact from the proposed levels.

Condition 5 of H23-0897-20 has now been addressed.

Compliance with Condition 6 of H23-0897-20 - Full Details of Drainage

Condition 6 states:

Before the commencement of the development hereby granted beyond oversight, 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, 2019.

Foul water is to connect to existing mains drainage, with surface water to be addressed via a soakaway located to the northern rear of the dwelling.

With regard to surface water drainage the South Holland Internal Drainage Board has stated:

"In light of further conversations with the applicant, I am pleased to see that initial testing shows that a drainage strategy reliant on infiltration is likely to be achievable on the proposed development, as evidenced within Soakaway Calculations - Amendment 1. If for any reason a strategy wholly reliant on infiltration does not prove viable and a surface water discharge is proposed to a watercourse,

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. However, I acknowledge that this option may be unlikely, as I am not aware of any watercourses in the immediate vicinity of the site, although this should be confirmed by the applicant."

Condition 6 of H23-0897-20 has now been addressed.

Compliance with Condition 8 of H23-0897-20 - Ground Gas Protection Measures

Condition 8 states:

- i) Prior to the commencement of any development details of precautionary ground gas protection measures shall be submitted to and approved in writing by the Local Planning Authority.
- ii) Prior to the first occupation, a suitably detailed ground gas verification report shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is adequately protected from pollution.

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, 2019.

A Radar 1200g Radon barrier has been installed below the finished floor level.

Condition 8 part i of H23-0897-20 has now been addressed.

CONCLUSION

Conditions 3, 5, 6 & 8 of H23-0897-20 have now been satisfactorily addressed.

RECOMMENDATION

This application is recommended for approval.

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.