

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H23-1086-24 **Applicant:** SSJ Property Investments Ltd

Proposal: Details of foul and surface water disposal, boundary treatments, existing and proposed site levels, proposed floor levels, hard surfaced areas and garden/amenity areas (Conditions 5, 8 and 12 of H23-0286-24)

Location: 11 Middle Road Whaplode Spalding

Terminal Date: 17th February 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
Section 15 - Conserving and enhancing the natural environment

National Guidance

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge conditions 5, 8 and 12 of permission H23-0286-24.

Permission H23-0286-24 granted consent for a replacement dwelling on 30 August 2024.

Site Description

The site is located within the defined settlement boundary of Whaplode as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). The site is in Flood Zone 3.

Relevant Planning History

H23-0526-21: (Outline Application) Proposed residential development for one dwelling and garage, including demolition of existing bungalow - Withdrawn 03 September 2021

H23-0286-24: (Full Application) Proposed Replacement Dwelling - approved 30 August 2024

H23-0016-25: (Discharge of Conditions) Details of landscaping, tree planting and contamination of land or pollution of controlled waters (Conditions 7 and 10 of H23-0286-24) - pending determination

Consultation Responses

South Holland Internal Drainage Board: I am pleased to see that the applicant intends to implement rainwater harvesting as part of their surface water drainage strategy, in conjunction with underground soakaways, subject to ground investigation. 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. 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.

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.

I note the presence of a Board Maintained watercourse (DRN197P7001 - F70 Whaplode Village Drain) adjacent to the northern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

I note that the applicant intends to erect fencing within 9 metres of the aforementioned Board Maintained watercourse as shown in drawing number 3556.2 (R. Boor Draughtsman, 18/12/2024). 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. If the applicant also proposes any additional works within 9 metres, we would ask that the applicant contacts this office to discuss these further. 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.

Lincolnshire County Council - Highways and SUDS: Additional information is required. The southern boundary treatment should not exceed 600mm.

Key Planning Considerations

Condition 5 reads as follows:

"5. 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 Section 14 of the National Planning Policy Framework, December 2023."

The applicant intends to dispose of foul water to a main sewer. This is acceptable and the South Holland Internal Drainage Board has raised no objections to this.

Surface water is proposed to be discharged to soakaways within the site, subject to percolation testing. As a sustainable form of drainage, soakaways are acceptable in principle.

Condition 8 reads as follows:

"8) 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 boundary treatments are indicated within the submitted plans.

Along the western boundary, there is currently a fence which ranges in height from 1.9m down to 1.1m towards the front of the site. The proposals seek to install fencing that would be a mixture of 1.8m high and at some parts the fencing would be raised above the patio level (therefore the height would be approximately 208cm high. As this is only slightly taller than fencing that would be classed as permitted development, this is acceptable. A 1.1m high hedge is proposed towards the front of the site and this is also acceptable as this would be similar to the existing fence line and the addition of vegetation is considered to be a benefit by adding green character to the site.

Along the eastern boundary, there is currently a 1.4m fence. The proposals seek to plant a hedgerow along this boundary and to install 1.8m fencing towards the rear of the site. The site levels vary in this area, however, the plans set out that some of the fencing will be set above the patio level. This is considered to be acceptable.

Along the northern boundary of the site, there is currently part of a fence line and an area of an undefined boundary. This boundary is towards the rear of the site and near to a South Holland Internal Drainage Board (IDB) asset. The IDB have set out that consent is required under Byelaw 10 for this fencing. This is separate from the planning process. The requirements of the IDB have been discussed with the applicant and discussions have commenced with the IDB. According to the applicant, the IDB have visited the site to take measurements. Whilst the IDB consent process is not complete, it is not considered necessary to delay the determination of the current application or refuse consent for the fencing as the proposed infill fencing is acceptable in planning terms. If the IDB do not grant consent for the fencing under Byelaw 10, then the applicant would need to address this with the IDB.

The details for condition 8 are therefore acceptable.

Condition 12 reads as follows:

"12) 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 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.

Site levels are to remain the same as the existing levels, other than the area where the ramped access is proposed and where a patio is proposed at the rear of the dwelling. The patio area will be raised by approximately 0.5m. The visual and amenity impact of this is considered to be acceptable.

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.

Conclusion

The details address the requirements of conditions 5, 8 and 12 of permission H23-0286-24.

Recommendation

Discharge conditions 5, 8 and 12.