

Development Management Delegated Decision Report

B/21/0019



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SUMMARY OF APPLICATION

Application Reference	B/21/0019			
Application Type	Full Planning Permission			
Proposal	Conversion and alteration of 2 adjoining barns into 1 single residential dwelling			
Location	Rectory Farm, Great Fen Road, Wyberton Fen, Boston, PE21 7PB			
Applicant	Mr G Dunmore			
Agent	Mrs Jenny McIntee, JMAD Architecture			
Received Date:	21-Jan-2021	Consultation Expiry Date:	04-Apr-2021	
Valid Date:	03-Mar-2021	Statutory Expiry Date:	28-Apr-2021	
Date of Site Visit:	12-Mar-2021	Extension of Time Date:		
Objections received?	No			
5 day notification record: Not applicable				
	Councillors notified	Date	Response received – date	Ok to continue
Recommendation	GRANT Full Planning Permission			
Report by:	Grant Fixter			
Date:	19/04/2021			



OFFICER REPORT

SITE AND SURROUNDINGS:

The application site comprises two barns which are accessed off Great Fen Road. The northern barn comprises a brick build, whilst the remaining barns are open sided. As per the South East Lincolnshire Local Plan, the site is within the countryside. North of the site is a two storey detached dwelling which uses the same access, with small fencing and planting to the eastern boundary. South of the site is a further access to the remaining agricultural outbuildings. The wider character of the area is rural in nature, with the site surrounded by agricultural land.

DETAILS OF PROPOSAL:

The application seeks full planning permission for the conversion of barns to form one dwelling.

The proposal would utilise the existing access which serves the dwelling to the north and would have separate parking areas. Measures to help improve air quality have been incorporated into the submission and these include solar panels, air source heat pump and an electric vehicle charging point.

The proposal will not extend the existing footprint and will make use of the existing materials where possible and appropriate.

Concerns were raised regarding the north elevation of the proposal and its potential implications on amenity and these were subsequently addressed in a revised plan.

Full details of the scheme are shown on the following plans:

- 20115 01B - Site Location Plan;
- 20115 02D - Proposed Site Block Plan;
- 20115 04E - Proposed Floor Plans & Elevations;
- 20115 05B - Proposed Sections;
- 20115 06A - Landscaping and External Works Site Plan.

The following were also submitted to support the application:

- Design and Access Statement;
- Structural Appraisal Report;
- Ecology and Protected Species Survey;
- Flood Risk Assessment.

RELEVANT HISTORY:

- B/11/0285 - Construction of agricultural building for livestock and storage – Approved on 30/08/2011;
- B/01/0223 - Construction of two-storey rear extension and a detached double garage – Approved on 01/08/2001.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

South East Lincolnshire Local Plan (2011-2036)

The following policies contained within the South East Lincolnshire Local Plan (2011-2036) (i.e. SELLP) are relevant to this application:

- Policy 1: Spatial Strategy;
- Policy 2: Development Management;
- Policy 3: Design of New Development;
- Policy 4: Approach to Flood Risk;
- Policy 10: Meeting Assessed Housing Requirements;
- Policy 17: Providing a Mix of Housing;
- Policy 23: The Reuse of Buildings in the Countryside for Residential Use;
- Policy 28: The Natural Environment;
- Policy 30: Pollution;
- Policy 31: Climate Change and Renewable and Low Carbon Energy;
- Policy 36: Vehicle and Cycle Parking.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2019)

At the heart of the 2019 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 2: Achieving sustainable development;
- Section 4: Decision-making;
- Section 5: Delivering a sufficient supply of homes;
- 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.

CONSULTATION RESPONSES:

Black Sluice Internal Drainage Board

Have no objections and their comments have been added as informatives.

Wyberton Parish Council

Have no objections, with one member stating it would help tidy the area.

Lincolnshire County Council

Have no objections as the access arrangements remain unchanged and off street parking and turning is proposed, therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety.

Environmental Health

Has no objections in principle and made the following comments:

- Barn sits within a working farm so a condition should be attached tying the dwelling to the farm business;
- Request the phased contaminated land conditions are attached to any consent;
- Sufficient measures included to offset air quality.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

The key planning issues in the determination of this application are:

- Principle - Whether this development accords with the objectives of policies contained within the SELLP in particular policies 1 and 23;
- Impact on the character of the area;
- Impact on residential amenity.
- Impact on highway safety;
- Impact on the natural environment;
- Air quality;
- Flood risk.

Principle - Whether this development accords with the objectives of policies contained within the SELLP in particular policies 1 and 23

Policy 1 (d) of the SELLP supports certain types of development in the countryside where it is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Compliance with Policy 1 can be achieved by satisfying either the first or second part of this policy. This policy provides the overall spatial hierarchy for the Plan, and influences the direction of other policies such as Policy 23.

Policy 23 of the SELLP is arguably the most relevant policy relating to the principle of this development, as it deals directly with the reuse of buildings in the countryside for residential development. Proposals will be supported providing they meet a number of criteria.

In this instance, it is deemed appropriate to use Policy 23 as the starting point and assess the proposal against each criteria.

Criteria 1 – “the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding”

Firstly, from review of the submission, the works involved would not comprise a significant extension. One could argue, however, that given the existing open sided nature of the barns this would require significant alteration or rebuilding.

Turning to the structural element, a Structural Survey accompanies the submission which deems the buildings fit to be converted for residential use and that only issues highlighted are minor in nature and would not prevent the building from functioning as a dwelling. Furthermore, the officer did not notice anything of concern upon a visual inspection when attending site.

On balance, whilst some may argue the works involve significant rebuilding, the buildings are structurally sound and will retain the existing footprint of the buildings. The proposal, therefore, complies with criteria 1 on balance.

Criteria 2 – “the building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention”

The buildings are of no historic merit as they are neither Listed Building's, nor within a Conservation Area. There are, therefore, no historic grounds for its retention. It does however sit as an established feature within the surrounding landscape owing to its age.

The buildings comprise a typical barn appearance commonly seen in countryside locations, with no special architectural features which make them of high architectural merit. The buildings are, therefore, of no architectural merit and do not positively contribute to the character of the landscape to justify their retention per se. However, the red-brick barn is noticeable from the road and does share an established relationship with the farmhouse as part of the evolution of the holding. The barn is of sound construction and reflective of the agricultural history of the area. Therefore a case is made for its retention. It is however acknowledged that the new building could be of better appearance than that existing owing through the proposed works and again this weighs in favour.

Therefore on balance it is considered that criteria 2 would be met.

Criteria 3 – “the proposal is in keeping with its surroundings”

The first consideration is the form of development. Residential development in the vicinity of the site is particularly sparse, however, primarily consists of frontage residential development. This proposal would lead to frontage residential development situated immediately adjacent to a two storey frontage dwelling. So whilst the proposal is in the countryside, given it would form a frontage dwelling which is immediately adjacent to a frontage dwelling and residential development in the area tends to be frontage, it could be argued the proposal is in keeping. One could also argue the proposal would not be in keeping given it is residential in nature. The proposals do seek to retain the typical layout of the agricultural cluster, with the proposed scheme retaining the established relationship with surrounding buildings including the host dwelling.

Secondly, the proposal would utilise the existing access and make use of the existing building and materials where possible. Whilst cladding is proposed, this faces onto the internal courtyard so cannot be seen from the street scene. Furthermore, the footprint will not increase.

On balance, it is deemed the proposal is likely to be in keeping with its surroundings, therefore, complying with criteria 3.

Criteria 4 – “the design is sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction”

There are concerns around the cladding element of the scheme, however, as these face onto the courtyard, the cladding will not be visible from the street scene.

Where possible, existing materials will be re-used and materials such as the roofing will match that of the adjacent dwelling.

Any new fenestration proposed both respects the existing appearance of the building, whilst enhancing it in places to achieve a better design and less blank elevations onto the street scene. The proposals in the round are considered to be representative of a high quality, modern conversion.

The proposal, therefore, complies with criteria 4.

Criteria 5 – “development leads to an enhancement of the immediate setting of the building”

As stated above, the measures included within the design will enhance the existing appearance of the building, whilst not increasing its footprint. No new access is required and landscaping is also included within the design to help enhance the setting of the site.

The proposal complies with criteria 5.

As the proposal complies with 4 of the 5 criteria in Policy 23, one must consider the planning balance. The proposal essentially complies with the majority of the requirements of the policy and, therefore, on balance the proposal is acceptable in terms of Policy 23.

The first requirement of policy 1 (d) is that proposals must be ‘necessary’ to their location, with the second part of policy 1 (d) stating proposals would need to provide economic, environmental or community benefits to meet the sustainable development needs of the area.

No information has been submitted to state why the proposal is necessary to its location. One could argue, however, that through complying with Policy 23 of the SELLP, the need has been established.

Whilst planting is proposed on site, the planting will not provide extensive environmental benefits. In regards to community benefits, the benefits of converting the building will be limited to the applicants and no further details on community benefits have been provided. Finally, the economic benefits would be extremely limited, as they would be restricted to the works needed to convert, extend and alter the building.

It could, therefore, be argued either way as to whether the proposal complies with Policy 1.

The National Planning Policy Framework (NPPF) is a material consideration within decision-making but does not fundamentally alter the plan-led approach to the consideration of application. Paragraph 79 of the NPPF states:

“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential dwelling; or*
- e) the design is of exceptional quality, in that it:*
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”*

Whilst the NPPF is of course a material planning consideration, an up to date Development Plan is always the starting point. The reason policies such as Policy 23 are included in the SELLP are so they work in unison with the NPPF, where the re-use of buildings is promoted but ensuring that only appropriate buildings are re-used and the impacts are managed. Should there be no policies such as Policy 23, there would be an abundance of unsuitable and unacceptable conversions in the countryside.

The Councils Local Plan was adopted after the introduction of the NPPF, and there are relevant policies which relate to this development contained within the Local Plan. Furthermore, the Council can demonstrate a 5-year housing land supply, and thus, taken together there are no reasons why full weight cannot be applied to the policies of the Development Plan.

Should the proposal have not complied with Policy 23, then greater weight would have to be attributed to Policy 1. However, the proposal complies with 4 of the 5 criteria of Policy 23 and this has to be given great weight, as policies such as Policy 23 were included in the SELLP to work in unison with the NPPF and ensure only appropriate development takes place in the countryside. One could also argue that by virtue of complying with Policy 23, the proposal has proven it is necessary to its location and complies with part one of policy 1(d).

On balance, the principle of development is deemed acceptable subject to complying with other appropriate policy considerations.

Finally, it is noted Environmental Health have requested an agricultural occupancy condition is attached as the barns sit within an existing working farm. Imposing such a condition on principle grounds is down to the opinion of the decision maker. It is also unclear as to why there would be environmental reasons which require such a condition

in this instance – although it is anticipated that these are due to noise and smells from being within a working farmstead. However, it is considered that these are unlikely to be so significant to affect the principle of a dwelling in this location. Such a condition is, therefore, deemed not appropriate for this proposal.

Impact on the character of the area

Policy 2 of the SELLP states that proposals requiring planning permission will be permitted provided that sustainable development considerations are met. These include size, scale, layout, density and impact on the amenity, trees, character and appearance of the area as well as the quality of its design and orientation.

Policy 3 of the SELLP states all development must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

This section of the report is an extension on matters already considered and outlined above, specifically dealing with these policies.

This proposal would lead to frontage residential development situated immediately adjacent to a two storey frontage dwelling. So whilst the proposal is in the countryside, given it would form a frontage dwelling which is immediately adjacent to a frontage dwelling and residential development in the area tends to be frontage, it could be argued the proposal is in keeping with the character of the area.

Turning to the scale of the build, the footprint of the building will not be increased, whilst the existing access will be utilised. It is, therefore, unlikely there will be a detrimental impact on the character of the area in this respect.

It could be argued the cladding aspect of the proposal is the most contentious. Any cladding is, however on elevations that look onto the internal courtyard and are, therefore, not visible from the streetscene. Other materials such as the roofing will match the existing dwelling adjacent to the barns, with existing materials utilised wherever possible.

The new fenestration proposed will not be of detriment to the character of the area and is considered commensurate to what is being proposed.

Finally, the proposed landscaping to the eastern boundary and access will help break up the development.

The proposal, therefore, complies with Policy 2 and 3 of the SELLP in regards to the character of the area.

Impact on residential amenity

SELLP Policy 2, 3 and 30 seek to ensure that a new development does not significantly impact neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.

The vehicle movements associated with one dwelling are unlikely to lead to unacceptable impacts on surrounding amenity, with parking arrangements being as far from the existing dwelling as possible.

The scale of the build is not increasing and is single storey in nature, so there will be no increase in overbearing/ overshadowing issues.

As previously indicated, the main potential concern for both future occupiers and the adjacent dwellings amenity was the proposed northern elevation with the extent of windows proposed. There were concerns regarding the potential loss of privacy and in response, the dining room window has been removed, in addition to planting along the access road. On balance, this is deemed acceptable.

The proposal, therefore, complies with Policy 2, 3 and 30 of the SELLP in regards to amenity.

Impact on highway safety

Policy 36: Appendix 6 of the SELLP relates to parking standards. It requires 2 spaces for dwellings with up to 3 bedrooms and 3 spaces for dwellings with 4 or more bedrooms. It also requires 1 cycle space within each residential plot.

The plans show the dwelling will be no more than 4 bedrooms, meaning 3 parking spaces will be needed per dwelling to comply with the parking requirements outlined in Policy 36: Appendix 6. The proposed site plan shows how 3 spaces per dwelling can be accommodated on site. It is also shown on the plans how turning can be accommodated within the site to ensure vehicles can both enter and leave the site in a forward gear.

The access arrangements will use that existing and Lincolnshire County Council confirmed they have no issues with the access in terms of highway safety.

As the parking provision on site would be policy compliant and Highways have no issues with the proposed access, the proposal is deemed acceptable on parking and highway safety grounds.

Impact on the natural environment

Policy 28 of the SELLP requires development proposals to protect, enhance or manage natural assets. All proposals are required to provide an overall net gain in biodiversity.

Firstly, planting is proposed to the eastern boundary and along the internal access route, which will help provide, in addition to wild flower planting and grass. When comparing this to the current condition of the site, a net gain in biodiversity will be achieved.

Secondly, an Ecology Survey accompanies the application which confirms precautionary measures and ecological enhancements are required in order to ensure legal compliance and no net loss to biodiversity:

- Precautionary measures and enhancements for bats;
- Appropriate timing with regards to nesting birds;
- Provision of bird boxes (sparrow terrace boxes).

The above will be secured through planning condition.

The proposal, therefore, will not have an adverse impact on the natural environment and complies with Local Plan Policy 28.

Air quality

Policy 30, 31 and 36 of the SELLP all relate to development proposals ensuring they include energy saving/ air quality measures wherever possible.

This proposal includes the provision of an electric vehicle charging point, air source heat pump and solar panels, all of which are deemed acceptable by Environmental Health and the case officer.

The proposal is acceptable in terms of air quality mitigation measures.

Flood risk

Policy 4 of the SELLP states a proposed development within an area of flood risk (Flood Zones 2 and 3) will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding, that it is essential infrastructure in FZ3a & FZ3b, it is highly vulnerable development in FZ2 or is more vulnerable development in FZ3 provide wider sustainability benefits to the community that outweigh flood risk. Where supported by a site specific flood specific risk assessment a criteria will need to be adhered to.

The application site is within Flood Zone 3 and is supported by a Flood Risk Assessment which outlines a number of flood risk mitigation measures and these will be secured through a planning condition.

Surface water will continue to go into the dyke east of the buildings, whilst a sewage treatment plant will be required and the treated water will outfall into the dyke. The Black Sluice IDB state the foul water disposal proposed will require the Board's prior written consent.

The flood risk mitigation proposed is deemed acceptable and will not increase the flood risk elsewhere.

CONCLUSION:

As always, it is important to consider the planning balance.

Whilst a dwelling in this location would ordinarily go against the spatial strategy outlined in Policy 1 of the SELLP, Policy 23 is considered to be the starting point for applications such as this as it directly relates to the reuse of buildings in the countryside for residential development. The proposal complies with the relevant criteria and as such, on balance the principle of development is deemed acceptable.

There are no major concerns on character of the area and amenity grounds.

A net gain in biodiversity can be achieved and air quality measures have been incorporated into the build.

Finally, the proposal is deemed acceptable on flood risk and highway safety/ parking grounds.

Appropriate conditions are recommended to also ensure that the impacts arising from the development are acceptable. Overall, it is considered that when viewed against the plan as a whole the scheme is acceptable and considered in accordance with the development plan, and there are no over-riding material considerations which would weigh against the proposal to the extent that would warrant refusal of the scheme.

As such, the balance is in favour of the development, and conditional permission is recommended.

RECOMMENDATION:

GRANT Full Planning Permission subject to the following condition(s) and reason:-

CONDITIONS / REASONS			
Pre-commencement conditions?		Agreed with applicant/agent - Date:	
<p>The development hereby permitted shall be begun before the expiration of four years from the date of this permission.</p> <p>Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.</p>			
<p>The development hereby permitted shall be carried out in strict accordance with the application received on 03/03/2021 and in accordance with the associated plans referenced:</p> <ul style="list-style-type: none"> ▪ 20115 01B - Site Location Plan; ▪ 20115 02D - Proposed Site Block Plan; ▪ 20115 04E - Proposed Floor Plans & Elevations; ▪ 20115 05B - Proposed Sections; ▪ 20115 06A - Landscaping and External Works Site Plan. <p>Reason: To ensure the development is undertaken in accordance with the approved details, in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036) and with the intentions of the National Planning Policy Framework (2019).</p>			
<p>The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) January 2021 Version 1, RM Associates and the following mitigation measures detailed within the FRA:</p> <ul style="list-style-type: none"> ▪ The ground floor living accommodation for the proposed dwelling is to be raised 500mm above the existing average ground level, set at 2.80mODN; ▪ Flood resilience and resistance measures to be incorporated into the proposed development as stated. 			

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place thereafter.

Reason: To reduce the risk of flooding to the proposed development and future occupants, in addition to providing the appropriate level of protection in accordance with the National Planning Policy Framework and Policies 2 and 4 of the South East Lincolnshire Plan (2011-2036).

The water consumption of each 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 Policy 31 of the South East Lincolnshire Local Plan (2011-2036).

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 each individual 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 (2011-2036).

No development shall take place above ground level until details regarding the inclusion of the enhancement measures outlined in the approved Ecology and Protected Species Survey (Helen Scarborough, February 2021) have been submitted to and approved by the Local Planning Authority. The measures shall include:

- Specification, location and number of sparrow terrace boxes and location of bird next boxes;
- Timetable for implementation of the above measures.

The approved works shall be carried out in accordance with the approved details.

Reason: In the interests of the natural environment in accordance with Policy 28 of the South East Lincolnshire Local Plan (2011-2036).

The precautionary measures outlined in the approved Ecology and Protected Species Survey (Helen Scarborough, February 2021) in regards to bats and birds will be followed at all times during the construction of the approved development.

Reason: In the interests of the natural environment in accordance with Policy 28 of the South East Lincolnshire Local Plan (2011-2036).

If development has not commenced within 12 months of the date of this permission, prior to the commencement of development the building(s) shall be re-surveyed for the presence of protected species and if present, a scheme of mitigation shall be submitted to the Local Planning Authority for approval in writing. The development shall be undertaken in

accordance with the scheme of mitigation.

Reason: In the interest of protected species and to accord with the Wildlife and Countryside Act 1981 (as amended), the National Planning Policy Framework 2019 and Policy 28 of the South East Lincolnshire Local Plan (2011-2036).

The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved in writing by the Local Planning Authority and until the scope of works approved therein have been implemented. The assessment shall include all of the following measures unless the LPA dispenses with any such requirements in writing:

a) A Phase I desk study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). A full desk top study and a non-technical summary shall be submitted in writing to the Local Planning Authority.

A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and take into account the site's existing status and proposed new use. A copy of the site investigation and findings shall be submitted in writing to the Local Planning Authority.

Reason: To ensure potential risks arising from previous site uses have been fully assessed and in accordance with Policy 30 of the South East Lincolnshire Local Plan (2011-2036).

Where the risk assessment (see preceding condition) identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the Local Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Local Planning Authority.

Reason: To ensure the proposed remediation plan is appropriate and in accordance with Policy 30 of the South East Lincolnshire Local Plan (2011-2036).

Remediation of the site shall be carried out in accordance with the approved remediation strategy (see preceding condition). No deviation shall be made from this scheme.

Reason: To ensure site remediation is carried out to the agreed protocol in accordance with Policy 30 of the South East Lincolnshire Local Plan (2011-2036).

On completion of remediation, a copy of a closure report shall be submitted to the Local Planning Authority for approval in writing. The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason: To provide verification that the required remediation has been carried out to the

required standards in accordance with Policy 30 of the South East Lincolnshire Local Plan (2011-2036).

If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure all contamination within the site is dealt with in accordance with Policy 30 of the South East Lincolnshire Local Plan (2011-2036).

INFORMATIVES / NOTES

TO BE INCLUDED ON/WITH DECISION NOTICE

Black Sluice Internal Drainage Board comments

Rainfall Runoff

It is understood from the documentation provided that surface water from the development is to be discharged into a watercourse via an existing drainage system. As the applicant has stated that the development will not increase the existing impermeable footprint, then the Board's consent is not required.

The applicant will be expected to ensure that any existing drainage system is of a suitable condition, including the status of any existing outfall headwall within the bank of the receiving watercourse (see Section 3).

Disposal of Foul or Dirty Water

It is understood that foul water from the development is to be discharged into an adjacent watercourse via a package or bio-treatment unit.

If this is the case, then the Boards prior written consent is required.

Discharge Outfalls

It is understood that the applicant is proposing a combined surface and treated water discharge outfall into the adjacent watercourse. If this is the case, then as per Section 1, the applicant will be expected to ensure that any existing outfall headwall structure is of a suitable condition.

If the structure requires replacement, then Section 23 Land Drainage consent will be required for any new or replacement structures to be placed in the bank.

Filling in or Culverting Watercourses

There are a number of watercourses, both open and piped, in the vicinity of the land concerned. Under Section 23 of the Land Drainage Act 1991, the prior written consent of the Board is required for any proposed permanent or temporary works or structures, within any watercourse, including infilling or diversion. This includes the replacement of any existing

structures.

The applicant is reminded that under Common Law, the ownership and maintenance responsibility for any watercourse lies with the adjacent landowners, regardless of whether the watercourse is maintained by the Board.

Where a section of watercourse lies wholly within a land or property boundary, or lies alongside a highway, then the land or property owner is considered wholly responsible for the ownership and maintenance of that section of watercourse.

STATEMENT OF PROACTIVE WORKING:

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.