

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-0011-24 **Applicant:** Churchfield Development Ltd

Proposal: Details of driveway, site levels & floor levels, boundary treatments, landscaping & tree planting & water consumption (Conditions 5, 7, 8, 9 & 11 of H02-0277-23)

Location: Land Adjacent To 38 Broadway Crowland Peterborough

Terminal Date: 1st March 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
04 Approach to Flood Risk
28 The Natural Environment

National Guidance

National Planning Policy Framework 2023

Section 4 - Decision-Making
Section 12 - Achieving well-designed and beautiful places
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge planning conditions 5, 7, 8, 9 and 11 of H02-0277-23. These conditions involve drive and access, details of site levels, boundary treatments landscaping and water consumption.

Site Description

The site sits close to the corner of Albion Street and Broadway and was intended to form part of the open space for the 22 dwelling development on the former South View Primary School site. There is a two storey dwelling (the old school house) immediately adjacent and there are new dwellings constructed by the same applicant to the rear. The pumping station for the wider site lies to the west. The overriding character of the area is residential. Existing development in the area is quite varied in nature.

History

H02-0405-17 - Outline - Erection of up to 22 dwellings (approved 16th August 2017)

H02-0448-18 - Reserved Matters - Erection of 22 dwellings (approved 22nd August 2018)

H02-1020-19 - Reserved Matters - Erection of 3 dwellings and associated works (Plots 8, 9 and 10) Outline approval H02-0405-17 (approved 18th December 2019)

H02-0075-19 - S73 - Residential development - erection of up to 22 dwellings - approved under H02-0405-17. Removal of Condition 4 relating to affordable housing (approved 7th July 2020)

H02-0268-21 - Full - Proposed Pump Station Enclosure & Access (retrospective) (approved 2nd July 2021)

H02-0408-21 - Modification of 106 Agreement to amend clauses 1.1 & 1.2 of Schedule 3 to allow up to 80% of the market dwellings to be occupied prior to trigger point (approved 9th March 2022)

H02-0872-22 - Full - Residential development - Erection of two semi-detached dwellings (refused 21st October 2022)

H02-1179-22 - Full - Residential development - Construction of pair of semi-detached dwellings (re-submission of H02-0872-22) (refused 27th January 2023)

H02-0277-23 - Residential development - Construction of a detached dwelling (Approved 17th November 2023)

Consultation Responses

Crowland Parish Council

No objections.

Lincolnshire County Council Highways

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Comments:

The conditions requested for approval are not highway requested conditions - the access is in the same location as that approved under H02-0277-23 therefore the details of condition 5 are acceptable to Lincolnshire County Council.

North Level Internal Drainage Board

No objections.

Planning Considerations

Condition 5 - Drive and Access

Condition 5 states that:

Before occupation of the dwelling, the drive and access must be completed in accordance with details to be submitted to and approved by the Local Planning Authority and the first 10 metres of the driveway must be tarmac/ block paved. The first 10 metres of the access/drive must not be gravelled.

Reason: In the interest of highway safety and to prevent an unacceptable impact upon the highway. This Condition is imposed in accordance with Policy 2 and 3 of the South East Lincolnshire Local Plan, 2019 (SELLP) as well as Section 9 of the National Planning Policy Framework 2023.

The drive on site is to be made from permeable tarmac for parking and turning. As the entire drive is tarmac and features no gravel it therefore satisfies the condition and can be discharged. Lincolnshire County Council Highways also raised no objection to this proposed drive and access and are considered acceptable to them.

Condition 5 of H02-0277-23 can therefore be discharged.

Condition 7 - Details of Existing and Proposed Site Levels

Condition 7 states that:

Notwithstanding the submitted details 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.

The proposed plans indicate that the levels will be raised by around 700mm as the ground levels are at 2.7m with the ground floor level for the proposed dwelling being at 3.4m, this could be considered to be a significant increase from the ground level however it is comparable to the adjacent plots of 2-6 Hardwick Close which is of a similar level. The nearest plot, 38 Broadway, is at around 2.92 however this is not considered to cause an impact on the amenity of the neighbour as there is an adequate separation distance between the plots and there is only one window facing this direction which is to be obscure glazed to prevent any overlooking. Furthermore, trellising will be sited on top of the boundary treatments for added protection of privacy. As such, no overshadowing or overlooking would occur as a result of the raised floor levels, the levels would also not make the property appear incongruous due to the plots 2-6 Hardwick Close also being raised to a similar level.

Condition 7 of H02-0277-23 can therefore be discharged.

Condition 8 - Details of Boundary Treatment

Condition 8 of H02-0277-23 states that:

Notwithstanding the submitted details 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.

To the front of the site there shall be a metal railing fence with room to the east side to allow for the driveway. On the east there shall be a 1.2m high close boarded fence screen to the bin collection point with a 2m high close boarded fence reducing down to 900mm in front of the dwelling with 300mm of trellising on top. This continues until there is a short section of a brick wall also with trellising, in between the drive and the garden there shall be a 1.8m close boarded fence for privacy in the amenity area. To the rear there will be a 2m high close boarded fence with 300mm of trellising on top for privacy to the rear, there is an existing 2m close boarded fence which shall reduce to 900mm at the access which completes the boundary treatments to the rear. Finally, on the west side there shall be close boarded fencing along the entire elevation being 1.8m at the front and 2m at the rear. As the fencing is all close boarded timber this ensure it will be in keeping with existing boundary treatments in the area and therefore does not appear incongruous or out of character with the area. Additionally, the trellising on top of the fences ensure that residential amenity will be kept and there will be no loss of privacy as a result of this development.

Condition 8 of H02-0277-23 can therefore be discharged.

Condition 9 - Landscaping Detail

Condition 9 states that:

Before the commencement of the development hereby permitted beyond oversight, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

NOTE: The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.1 (or any successor).

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set, and that Biodiversity Net Gain will be achieved. This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2023.

Based on the plans submitted it shows that a swift box will be incorporated on the front and rear elevation of the proposed dwelling to allow habitable areas for swift birds. There shall be low level ground cover planting to the perimeter of the lawn with the lawn of course being grassed. Shrubs shall be planted in groups for good effect and will consist of the follow selection - euonymus emerald and gold, hebe sutherlandi, hebe red edge, potentilla red ace, ponentilla abbotswood, skimmia kew green and skimmia rubella.

All planting, seeding and turfing is to be carried out in the first planting and seeding seasons following the occupation of the dwelling and any trees or plants which die within a period of five years from the completion will be removed and replaced with others of a similar size and species. The existing remaining trees on site are to be protected as above for the duration of the construction to safeguard the habitats of any nesting birds that may be present.

This is considered to be an adequate amount of planting and landscaping within the site to satisfy the condition and requirement, the details are therefore considered to be acceptable.

Condition 9 of H02-0277-23 can therefore be discharged.

Condition 11 - Water Consumption

Condition 11 states that:

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.

The submitted Water Efficiency Report outlines that no more than 107.1 litres will be used per person per day and this therefore satisfies the condition as no more than 110 litres will be used.

Condition 11 of H02-0277-23 can therefore be discharged.

Conclusion

Condition 5, 7, 8, 9 and 11 of planning permission H02-0277-23 are hereby 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.

Recommendation

Based on the assessment detailed above, it is recommended that the conditions should be discharged under Delegated Authority.