DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H02-0668-23	**Applicant:**	Burmor
Proposal:	Details of proposed boundary treatment and landscape management & maintenance schedule (Conditions 9 & 12 of H02-0054-18)		
Location:	Land At 18 Low Road Low Road Crowland		
Terminal Date:	21st September 2023		

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
06	Developer Contributions
17	Providing a Mix of Housing
18	Affordable Housing
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application for Details of proposed boundary treatment and landscape management & maintenance schedule (Conditions 9 & 12 of H02-0054-18). This proposal seeks to provide details of boundary treatment between properties and around the boundaries of the site. The landscape management plan has provided details of tree retention, new planting and management of open spaces.

SITE DESCRIPTION

The site is approximately 1.54ha in size and it is irregular in shape with a road frontage of approximately 127m to Low Road and a frontage of approximately 77m to Plank Drove. The depth of the site varies from approximately 77m to the west and approximately 161m to the east.

There is an existing bungalow located centrally along the Low Road frontage and the foundations of former agricultural buildings in the south west corner of the site accessed from Plank Drove. The balance of the site is agricultural land. There are trees within the garden of the bungalow and trees and hedgerow to the eastern boundary.

There is existing residential development to the east in the form of large detached houses on large plots. To the south east are detached properties. There is agricultural land to the south. On the opposite side of Low Road to the north are paddocks and dykes.

The site is located in Environment Agency Flood Zone 2, and is in a "Danger for All" hazard area with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H02-0054-18

Outline - Proposed residential development - Approved - 03 October 2019.

H02-1090-19

Reserved Matters - Residential development - 30 dwellings and associated works - outline approval H02-0054-18 - Approved - 26 May 2021.

H02-0121-20

Condition Compliance - Details of foul water disposal, finished floor levels and surface water drainage (Conditions 14, 16 and 22 of H02-0054-18) - 26 May 2021.

H02-0105-22

Condition Compliance - Details of construction management plan, contamination, landscaping & hedge planting, lighting, refuse, visibility splays, footway, phasing, street maintenance & highway design (Conditions 5, 6, 7, 8, 10, 13, 15, 17, 18, 19, 20 & 21 of H02-0054-18) - Approved - 06 December 2022.

H02-0420-23

Condition Compliance - Details of Landscape Management Plan (Condition 11 of H02-0054-18) - Approved - 24 May 2023.

H02-0670-23

Condition Compliance - Details of fencing (Condition 3 of H02-1090-19) - Currently undetermined as of 20 September 2023.

CONSULTATION RESPONSES

Crowland Parish Council

We rely on the expertise of the Planning Department.

EVALUATION

Compliance with Condition 9 of H02-0054-18 - Details of Boundary Treatment

Condition 9 states:

"Prior to its installation, details of the proposed boundary treatment, including a schedule of 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.

Reason: 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 entirety of the site is bordered by 1.8 metre high close boarded timber fencing. The frontage plots at Plots 29, 30, 1 and 2 are open fronted so it is not considered that the site is out of keeping with the generally open frontage of dwellings in the vicinity of the site.

The 1.8 metre high fencing adjacent to the boundary with 10 Low Road is assessed under H02-0670-23. Plots 3 to 18 along the eastern boundary are not considered to lead to an amenity impact to the existing dwellings at Beechcroft Gardens as the proposed dwellings are sited 19.5 metres away from the 1.8 metre high boundary fencing with hedging along the boundary approximately 2 metres higher than the top of the fencing. The southern and western boundaries are not immediately bordered by residential development it is therefore considered that there is no character or amenity impact from the fencing along these boundaries. The far western boundary denoting the edge of the site is to be bordered by a knee high post and rail fence.

Condition 9 of H02-0054-18 is considered to have been addressed.

Compliance with Condition 12 of H02-0054-18 - Landscape Management

Condition 12 states:

"No dwelling shall be occupied until details of the landscape management and maintenance schedule for the areas of incidental open space, refuse/recycling collection points and parking courts have been submitted to and approved in writing by the Local Planning Authority. Thereafter these areas shall be maintained in accordance with the approved details.

Reason: To ensure that adequate open space provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the open space.
This Condition is imposed in accordance with Policy 32 of the South East Lincolnshire Local Plan, 2019."

With regard to landscaping, the existing frontage hedge will be retained with new trees planted behind the hedging on green open space. The frontage of each property on site will have a mixture of low level planting either side of an access path. Native hedging will stretch the southern boundary as well as the western boundary. Grassed attenuation basins will be positioned throughout the site to aide drainage, with a large area of open space toward the western boundary, with new trees dotted throughout. It is considered that the amount of and location of landscaping is appropriate for the site.

The submitted landscape management plan document states "The contractor shall maintain the site in a manner to ensure the healthy development of trees and shrubs, the grassed areas shall be maintained in a weed free condition to a standard acceptable to residents....At the time of handover, general amenity grass areas to be substantially free of defects and fit for their purpose in respect of grass cover, levels and drainage. Broadleaved weed content all controlled by routine mowing only with no herbicide treatment. Tree, hedges, shrub planting, grass areas, hard standings and fences

within the curtilage of individual plots shall be maintained in accordance with this plan until the plots are handed over to new residents after which they will become responsible for ongoing maintenance."

With regard to ongoing monitoring, the plan states "Throughout the management process visual inspections shall be carried twice yearly by a qualified person on behalf of the Client to ensure compliance with the Management Plan. Any issues identified above will be reported to the management company to rectify. The Management Plan will be reviewed annually during October so that any prescriptions can be modified and implemented at the start of the following season."

The proposed existing and ongoing landscape management of the site is considered to have been satisfactorily addressed by the management plan.

Each property has two off road parking spaces which accords with Appendix 6 of the SELLP, which requires a minimum of two off road parking spaces for dwellings with three bedrooms or fewer. Plots 19 and 20 have three off road parking spaces because they have four bedrooms or greater. A parking court of 16 spaces will be provided to serve plots 11 to 18. This also accords with Appendix 6 with two off road parking spaces per dwelling.

Bin storage areas are provided to the rear of each property. Because the road is built to an adoptable standard roadside collection will be undertaken on collection days.

Condition 12 of H02-0054-18 is considered to have been addressed.

CONCLUSION

This application is considered to accord with 1, 2, 3, 4, 6, 17, 18, 30, 32, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 2, 5, 8, 12 and 14 of the National Planning Policy Framework, 2023.

RECOMMENDATION

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

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.