

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-0670-23 **Applicant:** Burmor
Proposal: Details of fencing (Condition 3 of H02-1090-19)
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 2021

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 fencing at Land at 18 Low Road, Low Road, Crowland (Condition 3 of H02-1090-19). This proposal seeks to provide details of the fencing (levels, heights and materials) to be installed along the boundary with 10 Low Road. The existing hedge at the western and southern boundary of 10 Low Road is to be retained with 1.8 metre high close boarded fencing site to serve the rear garden of Plot 2 on the site. The boundary treatment to the side and frontage of 10 Low Road is to remain unchanged.

This condition was requested to ensure that neighbour amenity is protected due to the raising of land levels on site.

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.

H02-0668-23

Condition Compliance - Details of proposed boundary treatment and landscape management & maintenance schedule (Conditions 9 & 12 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 3 of H02-1090-19

Condition 3 states:

"Prior to the occupation of Plot 2, details of the fencing (levels, heights and materials) to be installed along the boundary with 10 Low Road shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the property is first occupied and retained thereafter.

Reason: In the interests of the amenity of nearby occupiers.

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

When finished floor levels were assessed under H02-0121-20, to address Condition 16 of H02-0054-18, the following was observed:

"Finished floor levels (Condition 16) - Condition 16 of H02-0054-18 requires finished floor levels (FFLs) to be set at a minimum of 1m above existing ground level. The proposed FFLs are in accordance with this. With regard to proposed site levels, the greatest difference will be at the east of the site where levels will fall away from properties towards the boundary generally by around 1m. The levels along this boundary will effectively remain as existing. This is the same for the part of the site adjoining 6 Plank Drove. Additionally, the closest any dwelling would come to the eastern boundary to the size would be approx. 13m and this would be at the southern end of the site and therefore at the end of the garden of the neighbouring property. At the northern end, the closest property would be approx. 18m to the boundary. It is therefore not considered that there would be an adjustment of levels that would have an adverse impact on the amenity of adjoining properties. It has been identified that the patio to Plot 2 would be raised and thus there would be the potential for overlooking of the rear garden of 10 Low Road, which is in reasonably close proximity. A higher fence will therefore be required in this location. The reserved matters approval will be conditioned so that this information is submitted prior to installation and occupation of that dwelling."

When the submitted information is assessed against the above condition the following can be observed. The existing hedge at the western and southern boundary of 10 Low Road is to be retained with 1.8 metre high close boarded fencing site to serve the rear garden of Plot 2 on the site. The boundary treatment to the side and frontage of 10 Low Road is to remain unchanged. It is considered that the proposed fencing is of an appropriate height and does not materially affect the character and amenity of 10 Low Road of Plot 2. The remainder of the site is bordered by 1.8 metre high close boarded fencing so there is not considered to an impact on the character of the site as a whole when the fencing adjacent to 10 Low Road is compared.

With regard to site levels on the development site the following can be observed. The approved levels plan 190305-RGL-ZZ-XX-DR-D-101-0001-S2-P04 under H02-1090-19 shows existing site levels of 2.73m AOD at the boundary with 10 Low Road rising to 2.90m AOD to the western elevation of neighbouring property. When a 1.8 metre high close boarded fence is added, the top of the fence will be at 4.56m AOD. There is established hedging along the western boundary of 10 Low Road averaging a further 2 metres in height above the fencing.

Plot 2 has finished floor levels set at 3.825m AOD. There are no east facing side elevation windows towards the boundary with 10 Low Road so there is not considered to be any direct overlooking from Plot 2 due to the orientation of the properties. Additionally, there is not considered to be an overlooking impact from the rear elevation patio of Plot 2 which is sited at 3.65m AOD. This is due to proposed 4.56m AOD high fencing and an additional 2 metres of established hedging above at the boundary with 10 Low Road.

It is considered that Condition 3 of H02-1090-19 has now been addressed.

PLANNING BALANCE

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

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.