DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-1010-24**	**Applicant:**	**Mr & Mrs C Newman**
Proposal:	Details of external boxes for gas & electricity supplies & of any gas flues & soil vent pipes, boundary treatments, site & floor levels, foul & surface water disposal, biodiversity net gain plan (Conditions 4, 6, 8, 9 & 11 of H02-0266-24)		
Location:	Land To Rear Of 1a Peterborough Road Crowland Peterborough		
Terminal Date:	27th January 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

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

Description of Proposal

This application seeks to discharge conditions 4, 6, 8, 9 and 11 of H02-0266-24, relating to: details of external boxes for gas & electricity, boundary treatments, finished floor levels, foul and surface water disposal, and a biodiversity net gain plan.

Site Description

The site is located in the defined settlement limits of Crowland on garden land within the ownership of 1a Peterborough Road. 77, 79, 81 and 83 Peterborough Road are located beyond the northern

side boundary. 2 and 4 Stricklands Drive are located to the western rear of the site. Two detached garden plots are located to the southern side boundary, with 85 Broadway, 1a Peterborough Road, 1 and 3 Peterborough Road located beyond the eastern frontage boundary on the opposite side of the shared private access road to the site. A curtilage shed and glasshouse will be removed to facilitate the development.

The northern site boundary is bordered by a fence with 83 Peterborough Road, hedging with 81 Peterborough Road, fencing with 79 Peterborough Road, and the side elevation brick wall of a garage forms the boundary with 77 Peterborough Road. Fences form the western boundaries with 2 and 4 Stricklands Drive. The southern boundary to adjacent detached gardens is open, with an open boundary to the site frontage.

The site is located in Environment Agency Flood Zone 1, and is in a "Danger for Most" hazard area with a maximum predicted flood depth of 1 metre close to the southern boundary. Surface water is to be addressed by a soakaway, with foul water to connect to the existing Anglian Water foul sewer nearby.

Relevant History

H02-0266-24 - Full. Erection of single storey detached dwelling with integral garaging and additional parking provision for existing dwelling (No. 1A Peterborough Road). Approved 05/07/24.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Crowland Parish Council

CPC have no comments

North Level Internal Drainage Board

"Please note that North Level District Internal Drainage Board have no objections to the above planning application."

Highway and Lead Local Flood Authority

"These are not LCC requested conditions. It is for the LPA to assess/approve."

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Condition 4

Condition 4 reads as follows:

"Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved."

The details submitted show all domestic accoutrements located on the north-east elevation. No specific materials or detailed designs have been submitted. Despite this, due to the positioning of the development to the rear of existing dwellings, thereby reducing their visibility significantly, and the positioning to the side of the dwelling, it is considered further details are not required in this instance.

The positioning on the north-east elevation is considered acceptable, adequately restricting views of the equipment. As such, it is considered the requirements of Condition 4 has been satisfied and the

condition can be discharged.

Condition 6

Condition 6 reads as follows:

"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."

A 2-metre-high timber fence is proposed along the southwest boundary. A 1.2-metre-high timber post and rail fence is proposed to the front. A 1.8-metre-high fence will enclose the rear garden. All other boundary treatments shown are those currently in situ, including a 3.3 metre high hedge, 2.4 metre palisade fence, and 2.2 metre high fence along the north boundary.

The south facing windows measure from 1.6 metres (at the sill) to 3 metres at the head. Finished floor levels (as required by Condition 7) are set at 3.1 metre AOD, or approximately 0.8 metre above ground level. As such, a 2 metre high fence would be unable to prevent views into neighbouring properties. The land which would be overlooked does not appear to be used as traditional residential garden, instead appearing to have a similar use to an allotment. There are currently no treatments between plots. Therefore, the views gained here would not be overly intrusive, especially when considered in light of the existing conditions.

The vast majority of the existing boundary treatments appear to sit outside of the red line boundary for this site, including the 3.3 metre tall hedge. These treatments are essential to protect residential amenity, and to prevent views from the north facing study window. As these treatments are outside of the residential curtilage, they are outside of the control of the Authority, and therefore, it cannot be ensured that these will be retained.

As such, the proposed treatments are considered unacceptable, as the retention and maintenance of these treatments could not be ensured.

Condition 8

Condition 8 reads as follows:

"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."

Condition 7 has required finished floor levels to be set no lower than 3.1 AOD, between 0.8 and 1 metre above ground level. The living space conforms to this, and is shown with suitable detail at the submitted cross sectional drawings.

The garage is set at 2.65 metres which, under the strictest interpretation of the wording of Condition 7, may be unacceptable; however, seeing as these are unhabitable rooms, the levels are considered acceptable.

As such, the submitted details are considered to satisfy Condition 8.

Condition 9

Condition 9 reads as follows:

"Before the commencement of the development hereby granted beyond oversite, 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."

It is proposed that surface water would be discharged via soakaways. Given the scale of development, this is considered appropriate.

Foul water is to be disposed via an existing Anglian Water sewer. Given the scale of the proposal, and its positioning within a town (which would make private waste tanks impractical) the proposal is considered acceptable.

Condition 11

Condition 11 reads as follows:

"Prior to the commencement of the development hereby permitted beyond oversite, a Biodiversity Net Gain Plan to demonstrate a net gain in biodiversity on-site shall be submitted to, and approved in writing by, the Local Planning Authority. This shall be supported by a Biodiversity Management Plan setting out how the biodiversity enhancements will be managed and monitored for the lifetime of the development."

The application was submitted prior to the statutory requirement for biodiversity net gain under the Environment Act, 2021. As such, the net gain required here must conform to Policy 28 of the SELLP, which does not specify a level of gain.

The proposal would result in a scheme of hedging and planting on its borders. This would deliver the required net gain, given the poor quality of the existing environment.

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

While the details provided achieve the requirements of 4, 8, 9 & 11 of H02-0266-24 are considered acceptable, it has not been demonstrated that the requirements of Condition 6 have been met in this instance.

Recommendation

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