

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0051-24 **Applicant:** Loosegate Developments

Proposal: Details of external materials, landscaping & tree planting & boundary treatments (Conditions 3, 4 & 5 of H04-1045-23)

Location: Plot 1 - Off Maple Way Donington Spalding

Terminal Date: 15th March 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2023

Section 2: Achieving sustainable development
Section 4: Decision-making
Section 5: Delivering a sufficient supply of homes
Section 9: Promoting sustainable transport
Section 12 - Achieving well-designed and beautiful places
Section 14: Meeting the challenge of climate change, flooding and coastal change
Section 15: Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge conditions 3, 4 and 5 of planning approval H04-1045-23, relating to details in relation to external materials, landscaping, tree planting and boundary treatments.

Planning approval H04-1045-23 granted full planning permission for the erection of one dwelling.

Site Description

The site currently comprises of manicured lawn with various boundary treatments including close boarded fencing, tree planting and hedgerows. The site is bound on all sides with residential

properties to the north, west and south and abuts Donington Village Park to the east.

History

H04-0237-08 - Erection of 7 detached bungalows and associated works - Application Withdrawn April 2010.

H04-0429-22 - Residential Development of 6 Dwellings - Approved September 2022

H04-1045-23 - Proposed Residential Development - Plot 1 Dwelling - Approved January 2024

Consultation Responses

None

Planning Considerations

This application relates to conditions 3, 4 and 5 of planning approval H04-1045-23.

Condition Details

The conditions detail:

Condition 3

Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

The material schedule is as follows:

- Bricks Ibstock Broadgate Regals and Ibstock Broadgate Red
- Roof - Sandtoft Calderdale - Flat Black
- Windows and Doors - Grey UPVC (stone cills & brick headers)
- Rainwater Goods - Black UPVC

The proposed materials are considered acceptable and are considered to be in keeping with the character of the area and therefore are acceptable. The condition can be discharged.

Condition 4

Before the commencement of the development hereby permitted beyond oversite, 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.

A Landscaping and Planting plan has been submitted. Along the north boundary shrubbery would be planted. To the east and south the existing planning is to be retained along with the erection of a 1.8m close boarded fence. The 1.8m close boarded fence would also be erected along the west

boundary. To the south west a Hawthorn (*Crataegus Laevigata*) Feathered would be planted. A Permeable Block Pavers Drive is proposed to the east with the remaining land to be lawn.

When assessing the location of the proposed trees and shrubs the officers consider the landscaping details to be adequate in order to satisfy the condition.

Taking into account the proposed landscaping for the site is considered acceptable therefore condition 5 can be discharged.

Condition 5

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.

Along the north boundary shrubbery would be planted. To the east and south the existing planning is to be retained along with the erection of a 1.8m close boarded fence. The 1.8m close boarded fence would also be erected along the west boundary.

Taking all the above into the consideration the submitted boundary treatments are considered acceptable.

Conclusion

The details in relation to these conditions (3, 4 and 5) are acceptable and can be 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.