

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0507-23 **Applicant:** Mr P & S Hilton

Proposal: Details of external gas & electricity boxes, landscaping, tree planting, site levels, floor levels, hard surfaced areas, garden/amenity areas, soakaway system and ecological biodiversity measures. (Conditions 3, 5, 6, 7 and 9 of H04-0037-23)

Location: 11 Badgate Road Donington Spalding

Terminal Date: 27th July 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

- 5 - Delivering a sufficient supply of homes
- 12 - Achieving well-designed places
- 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Condition Compliance application at 11 Badgate Road, Donington for details of external gas & electricity boxes, landscaping, tree planting, site levels, floor levels, hard surfaced areas, garden/amenity areas, soakaway system and ecological biodiversity measures. (Conditions 3, 5, 6, 7 and 9 of H04-0037-23).

SITE DESCRIPTION

The site is within defined settlement limits and the surrounding area is characterised by dwellings of varying ages and designs. The dwelling will be located in Environment Agency Flood Zone 1 and is not subject to increase hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H04-0399-20

Full - Erection of 3 bed detached chalet bungalow with off road parking and access - Approved - 15 July 2020.

H04-0908-20

Condition Compliance - Details of external materials and design & position of external boxes etc (Conditions 3 & 4 of H04-0399-20) - Approved - 22 December 2020.

H04-0909-20

Section 73 Modification - Erection of 3 bed detached chalet bungalow with off road parking and access - approved under H04-0399-20. Modification of Condition 2 to allow amendments to previously approved plans - Approved - 22 December 2020.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

No objection. *"These were not Conditions requested by the highway authority and therefore no objection is raised by the Authority to their discharge."*

South Holland District Council - Environmental Protection

No comments.

PLANNING CONSIDERATIONS

Assessment against Condition 3 of H04-0037-23 - Domestic Accoutrements

This Condition states:

"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.

Reason: To ensure that the Local Planning Authority retains control over these details 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.

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

The proposed gas and electricity meter boxes are site below the utility window on the east facing side elevation of the bungalow. These boxes are not visually prominent, do not impact the character and amenity of the surrounding area, and is considered to be appropriately sited.

Condition 3 of H04-0037-23 has now been addressed.

Assessment against Condition 5 of H04-0037-23 - Landscaping Detail - Full

This Condition states:

"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 2021."

The section Planting and Aftercare on the submitted plan states "All ground to be properly cultivated and tilled prior to planting, and treated with slow release fertiliser. Weeds and foreign material including large stones are to be removed from site. All shrubs to be planted at centres specified and watered on completion. Trees to be planted in shallow pits with a layer of compost at the bottom, and are to be staked and tied with proprietary ties. The stakes are to be at least 600mm longer than the staked height of the tree to ensure that sufficient is driven into the ground. Bare ground within and around shrubs and trees to be covered with tree bark. Shrubs and trees to be watered in dry periods. Any plants that die are to be replaced. Tree ties are to be replaced as necessary. All trees and shrubs are to be maintained for a five year period beginning with the date of completion of the scheme and, during that period, all losses shall be made good.

A frontage hedge is proposed adjacent to the detached garage, and will be maintained at a height of 1.2 metres. No further planting is proposed. Given the narrow nature of the garden area to the rear of the site, the proposed amount of planting is considered to be acceptable for the site.

Condition 5 of H04-0037-23 has now been addressed.

Assessment against Condition 6 of H04-0037-23 - Details of Existing and Proposed Site Levels

This Condition states:

"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: 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 reduce the risk of flooding of the 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 Policy 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021."

The frontage of the site averages around 4.65mAOD, with the dwelling frontage around 4.55mAOD, the rear at 4.45mAOD, with the bottom of the garden at 4.05mAOD. The rear garden is to be levelled at 4.35mAOD. Given that the bungalow has a finished floor level of 150mm above ground level, and not subject to increased flood risk, the timber fencing to each side of the plot will be approximately 1.9 metres above the proposed levelled rear garden, so there is not considered to be

a material overlooking or overshadowing impact from the bungalow. The new bungalow is lower in height than the existing bungalow so amenity impact is considered to be reduced.

Condition 6 of H04-0037-23 has now been addressed.

Assessment against Condition 7 of H04-0037-23 - Details of Soakaway System

This Condition states:

"Before the development is commenced beyond oversight, full details of the proposed soakaway system for the disposal of surface water from the development hereby permitted, including percolation test results, shall be submitted to and approved in writing by the Local Planning Authority. This shall include the calculations undertaken to determine the volume of storage required. Should the percolation test results be considered unacceptable by the Local Planning Authority details of an alternative means of providing for surface water drainage shall be submitted for consideration. The approved means of surface water drainage shall be implemented in full before the development hereby permitted is first brought into use."

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021."

Surface water is to discharge into soakaways to the front and rear of the site. The submitted Site Investigation Report shows that "the permeability tests indicate soil infiltration rates of between 7.09×10^{-2} mm/s and 7.14×10^{-2} mm/s, which represents a moderate to good rate of soil infiltration, which are typical for deposits of fine sand or coarse silt."

These discharge rates are considered to be acceptable with the soakaway being considered to be an appropriate means of addressing surface water drainage. Full details of the StormCrate 55 soakaway system have been supplied, which show that the soakaway provides an acceptable flow rate.

Condition 7 of H04-0037-23 has now been addressed.

Assessment against Condition 9 of H04-0037-23 - Ecology Management

This Condition states:

"Before the commencement of the development hereby permitted beyond oversight full details of ecological biodiversity measures to be installed in conjunction with the development shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be constructed and retained in accordance with the details so approved.

Note: Development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat and barn owl roost boxes and integrating nesting opportunities into buildings. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species.

Reason: To ensure that the development is able to deliver a net gain in biodiversity. This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2021."

The submitted plans propose a swift brick to the west facing front elevation of the detached garage, with an additional brick to the east facing rear elevation.

Whilst additional measures would be appreciated, Condition 9 of H04-0037-23 has now been addressed.

CONCLUSION

This application is recommended for approval.

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.