DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0566-23**	**Applicant:**	**S Carr**
Proposal:	Details of landscaping, tree planting, site levels, floor levels, hard surfaced areas, garden/amenity areas and acoustic fencing. (Conditions 5, 8 and 9 of H05-0844-22)		
Location:	Former Fleet Road Nursery Fleet Road Fleet		
Terminal Date:	27th October 2023		

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 6 - Building a strong, competitive economy
Section 12 - Achieving well-designed 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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge conditions 5, 8 and 9 of planning approval H05-0844-22, relating

to details in relation to landscaping, tree planting, site levels, floor levels, hard surfaced areas, garden/amenity areas and acoustic fencing.

Planning approval H09-0786-22 granted full planning application, for the demolition of the existing Garden Centre/Nursery and the erection of 8 industrial units and a access road and associated infrastructure.

Site Description

The application site lies on the southern side of Fleet Road and accommodates a number of brick and block buildings, outdoor display areas and car parking that made up the former garden centre use. There is an existing gated access off Fleet Road. To the east is a detached bungalow and to the north-west is a detached two storey property. Conifer trees line the southern boundary (beyond which is an agricultural building) and part of the western boundary. There is a property to the west which sits within substantial grounds. There are open fields opposite.

History

H05-0844-22 - Full - Demolition of existing Garden Centre/Nursery and erection of 8 industrial units (Use Class E g) i), ii) and iii), access road and associated infrastructure (approved December 2022)

H05-0849-18 - Full - Demolition of existing site and proposed residential development and associated works (8 dwellings) - Re-submission of refused application H05-0871-17 (refused November 2018 and appeal dismissed January 2020)

H05-0871-17 - Full - Demolition of existing site and proposed residential development and associated works (9 dwellings) (refused January 2018)

Consultation Responses

Internal Drainage Board

The Board has been made aware of planning application H05-0566-23 from a weekly list. Please be advised that the Board issued land drainage consent for the discharge of surface water and treated foul water from this development on 18/01/2023 (our refs: 22_07482_C and 22_07483_C).

LCC Highways & SUDS Support

The details submitted to discharge details of landscaping, tree planting, site levels, floor levels, hard surfaced areas, garden/amenity areas and acoustic fencing. (Conditions 5, 8 and 9 of H05-0844-22) are acceptable in accordance with approved details submitted with this application. No Objections.

South Holland District Council Environmental Protection

Condition Compliance Accepted

Planning Considerations

This application relates to conditions 5, 8 and 9 of planning approval H05-0844-22.

Condition Details

The conditions detail:

Condition 5

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 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.

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 (1459-4_CC_PP01). The proposed tree species would consist of Betula pendula dalecarlica and Carpinus betulus frans Fontaine. The proposed shrub planting would consist of Amelanchier lamarckii, Cornus alba Elegantissiam, Cornus stolonifera flaviramea, Cotoneaster microphyllus, Prunus laurocerasus and Mahonia japonica.

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 8

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.

The finished floor levels can be found on the plan in the surface water drainage strategy (after page 11) prepared by Stafford IE. The finished floor level for all the units is 3.35m and the surrounding ground level is at around 3.1m to 3.3m, therefore there is no need to build up the site at all.

The details submitted with regard to the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, are all considered to be acceptable therefore condition 8 can be discharged.

Condition 9

Prior to its installation, full details of the specification of the proposed acoustic fencing shall be submitted to, and approved in writing by, the Local Planning Authority. The fencing shall be installed in accordance with the approved details prior to the occupation of any unit.

Reason: In the interests of the amenity of local residents.

The acoustic fencing will be 2m tall and will be located along the eastern boundary and the western boundary. South Holland District Council Environmental Protection has assessed the proposed fencing and have raised no objection.

The details submitted with regard to the proposed acoustic fencing, are all considered to be acceptable therefore condition 9 can be discharged.

Conclusion

The details in relation to these conditions (5, 8 and 9) 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.