DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0590-23**	**Applicant:**	**HarDean Developments**
Proposal:	Details of bin store, boundary treatments, landscaping & schedule materials to be used on external surface (Conditions 7, 8, 9 & 10 of H05-0326-20)		
Location:	37 Fleet Road Fleet Spalding		
Terminal Date:	23rd August 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 2021

Section 2. Achieving sustainable development
Section 5. Delivering a sufficient supply of homes
Section 11. Making effective use of land
Section 12. Achieving well-designed places
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

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge conditions 7, 8, 9, and 10 of planning approval H05-0326-20, relating to details in relation bin storage, boundary treatments, landscaping & schedule materials to be used on external surface.

Planning approval H05-0326-20 granted full planning at appeal for application for the erection of 3 pairs of semi-detached 3-bed dwellings along with up graded site entrance, and road way, car parking and bin storage on land to the rear of 37 Fleet Road, Fleet, Spalding, Lincolnshire, PE12 8LA.

Site Description

The site is at the eastern part of the built-up area of Holbeach as shown on Inset Map 5 of the South East Lincolnshire Local Plan (SELLP), 2019. The site is mostly vacant with scrubs and a few small greenhouses and outbuildings for storage that fell in disrepair.

Two pairs of semi-detached houses and two further detached dwellings form the frontage onto Fleet Road. The access to the site would extend through No's. 35 and 37. The application site is long and narrow. It is currently vacant and untidy. Immediately to the west there is an industrial site managed by JML Henderson Ltd. This forms part of Fleet Road Industrial Estate which is classified as an Established Employment Site by Policy 7 of the SELLP. To the east there is a residential development comprising 19 houses which have been fairly recently built after obtaining permission (H05-0519-16).

History

H05-0707-23 - Details of surface water drainage scheme (Condition 5 of H05-0326-20) - To be determined

H05-0318-22 - Erection of 8 dwellings including upgraded site entrance and roadway, car parking, bin storage and fencing & landscaping - Refused

H05-0668-20 - Erection of house - outline approval H05-1160-16 (allowed on appeal) - Approved

H05-0326-20 - Erection of 3 pairs of semi detached 3 bed dwellings along with up graded site entrance and road way, car parking and bin storage - re-submission of H05-0572-19 - Allowed at appeal

H05-0572-19 - Erection of 3 pairs of semi detached 3 bed dwellings and 1 detached 3 bed dwelling along with up-graded site entrance and roadway - Refused

H05-1160-16 - Residential development - Proposed house - Allowed at appeal.

Consultation Responses

Drainage Board

Further to our previous comments dated 28 April 2020 (ref. H05-0572-19) the Board reminds the applicant that prior permission must be sought from the Board for the installation of any works within 9 metres of the edge of the Board's arterial watercourse known as K23 Washway Road drain (code DRN201G2308). This watercourse exists as a pipeline in parallel with the property frontage adjacent to Fleet Road.

The construction of the vehicular access and private roadway plus the re-gravel to the east of the roadway and location of the Bin Store as shown on the Site Layout & External Works plan (drawing no. 37FLEET-SH-PD-SL-1000, Seagate Homes, 02.06.2023) will require the Board's prior consent. The placement of 1.8 m close board fencing and the proposed planning scheme to demarcate No. 35 from the site, shown on the same plan, must also be agreed with the Board. In alignment with the Board's current Planning and Byelaw Strategy it is unlikely that permission will be granted for any hedging closer than 3 metres from the edge of the Board's piped watercourse (see hÃ????©ps://www.wlma.org.uk/uploads/WMA_Planning_and_Byelaw_Policy.pdf).

It would be desirable for access to be retained to the private watercourse along the northern site boundary adjacent to Plots 3, 4, 5 and 6 for maintenance purposes. Due to the nature of the acoustic fencing we understand it may not be possible to provide an access gate for each plot. We therefore recommend that the acoustic fencing is set back at least one metre from the brink of this watercourse to allow for future maintenance by hand (trimming vegetation, de-silting etc.). It will be the responsibility of the successor property owners to maintain this shared watercourse in

accordance with riparian law.

Whilst in principle we have no objections to the discharge of Conditions 7, 8, 9 and 10 we encourage the applicant to contact the Board to initiate their application for land drainage consent at this site (relaxation of Byelaw 10). The Board's consent is separate from any planning permission.

Additionally, any temporary signboard(s) associated with the construction and/or advertising of the development adjacent to Fleet Road will require the Board's permission (Byelaw 10).

We understand that other conditions such as the surface water drainage scheme remain to be discharged. The applicant is reminded that any proposed discharge of surface water into the Board's District will require a separate application for consent (Byelaw 3).

Highways & SUDS Support

Recommendation: No objection

The details submitted of bin store, boundary treatments, landscaping & schedule materials to be used on external surface to discharge conditions (Conditions 7, 8, 9 & 10 of H05-0326-20) are acceptable in accordance with the details submitted with this application.

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Planning Considerations

This application relates to conditions 7, 8, 9 and 10 of the host permission, H05-0326-20.

Condition Details

The conditions detail:

Condition 7

Prior to the commencement of above ground development full details of the design and layout of the proposed bin store at No 37 Fleet Road shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed in full before the occupation of the first dwelling on the site and be retained thereafter for the use of the occupiers of the dwellings hereby approved for the lifetime of the development.

The proposed bin collection point is located on a private drive 10.3m from the main road. The submitted details are adequate.

Condition 8

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 occupation of the first dwelling on the site and retained for the lifetime of the development thereafter.

To the west boundary down the vehicular access the existing fencing is to be removed and to be replaced with new 1.8m close board fencing. To the east boundary down the vehicular access the existing fencing is being retained.

Further into the site along the eastern boundary the existing close board fencing is to be retained with planting running along side the fence comprising native hedging of Prunus spinosa, Prunus padus, and Acer Campestre.

1.8m close boarded timber fencing is proposed within the rear gardens of the dwellings running along the boundaries separating each dwelling.

Along the north and west boundary of the site is proposed 2m high acoustic fencing.

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

Condition 9

Before the commencement of any above ground works on the site, a landscaping and tree planting scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the location, quantum, species and heights of the proposed trees and shrubs. The approved scheme shall be implemented in full within the first planting season prior to the occupation of the first dwelling on the site. All trees and shrubs shall be maintained for a period of five years from the date of the occupation of the final dwelling on the site and any losses during that period shall be replaced.

Landscaping and a boundary treatment plan has been submitted. The proposed tree species would consist of Silver Birch, Flowering Crab, Malus Rudolph and Rowan/Mountain Ash Tree. The proposed shrub species are Berberis Thunbergii Atro Nana and Hebe 'GreenGem'. Within the plan the proposed planting is as follows:

- Five trees proposed along the eastern boundary.
- Along the north-west boundary the existing trees are to remain
- Four new trees are proposed along the western boundary
- Three trees are proposed within the private driveway.

Taking into account the proposed landscaping for the site is considered acceptable therefore condition 9 can be discharged.

Condition 10

Before the commencement of any above ground works on the site a schedule of materials to be used on all the external surfaces of the development , including paved areas, areas of hard standing and car parking and manoeuvring areas, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented fully in accordance with the approved details.

The material schedule is as follows:

-Facing Bricks - Brickabiltiy USK to include
-Brick soldiers over windows
-Roof Tiles - Slate grey concrete roof tile thin leading edge
-Windows - White UPVC (Including french/patio doors)
-Doors - Black Composite
-Rainwater pipes - Black plastic
-Front door canopy - GRP for housetype 1 (Plain rosemary tile type appearance)
-Fascias, Soffit & bargeboards - White

The proposed materials are considered acceptable given the wide variety of materials present in the street.

Block paving in natural buff is proposed for the parking spaces. The parking court, turning are and private drive are to be Tarmacadam. Private paths are to be paved with Riven Peak Grey Paving Slabs.

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

Conclusion

The details in relation to these conditions (7, 8, 9 & 10) 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.