

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-0045-25 **Applicant:** 713 Homes Ltd

Proposal: Details of external materials, existing and proposed site levels, proposed floor levels, landscaping, tree planting, proposed boundary treatments, surface water disposal, foul water disposal and Biodiversity Net Gain Plan (Conditions 3, 5, 6, 7, 8, 9 and 10 of H08-0183-24)

Location: Adj 3 Bow Gate Gosberton Spalding

Terminal Date: 12th March 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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks to discharge conditions 3, 5, 6, 7, 8, 9 and 10 of H08-0183-24, relating to: external materials, existing and proposed site levels, proposed floor levels, landscaping, tree planting, proposed boundary treatments, surface water disposal, foul water disposal and Biodiversity Net Gain Plan.

Site Description

The site is located within the settlement boundary of Gosberton, according to Policy 1 in the South East Lincolnshire Local Plan, 2019. The current dwellings of no.3-4 Bowgate are situated on a corner plot, and faces along Bowgate. The plot is fairly spacious, with a large garden situated to the

east of the existing dwelling. The site in question is currently the rear grassed garden serving no.3-4 Bowgate.

There are several mature trees lining the boundary along Bowgate and Quadring Road/High Street.

History

H08-0069-23 - Outline - Proposed Dwelling - Approved 22.03.2023

H08-0183-24 - Full - Erection of two dwellings, associated garaging and formation of new access - Approved 10.06.2024

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:

Welland and Deepings Internal Drainage Board

"Further to receipt of the above, I confirm that Welland & Deepings IDB have no comment to make with regard to this application at this stage."

Highway and Lead Local Flood Authority

"The conditions to be discharged were not conditions requested by Lincolnshire County Council. The Local Planning Authority determined this application without our final response."

Go on to request informative conditions be placed on the decision notice.

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.

These can be summarised as:

Key Planning Considerations

Condition 3

Condition 3 of H08-0183-24 reads:

"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."

Clipsham Stone is proposed for both dwellings. Plot 1 would have Marley terracotta pantiles, while Plot 2 would have Marley grey pantiles. Cream UPVC windows and doors are proposed.

It is considered that Clipsham Stone is an inappropriate material in this setting. The dwellings in the area are primarily constructed from fairly red brick, with some yellow/ grey bricks interspersed. To this end, the use of stone would be an outlier, which fails to respect the character and appearance of the setting.

Therefore, it is considered that the details provided are unacceptable.

Condition 5

Condition 5 reads:

"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."

It should be noted that condition 4 requires finished floor levels to be raised to 3.65m OD.

The condition explicitly requires cross section drawings to be submitted, which have not been provided here. In addition, to provide a thorough assessment of the potential impacts, a more detailed topographic study would be required.

Therefore, it is considered that insufficient details have been provided to meet the requirements of this condition.

Condition 6

Condition 6 reads:

"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)."

From the details provided, it would appear that limited planting has been proposed. It would appear the landscape is principally four trees (two acer and two cherry) and a short hedge between dwellings. This is not considered sufficient to provide a clear net gain, and insufficient evidence has been provided to the contrary.

Condition 7

Condition 7 states:

"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."

No cross sections have been provided, or elevation drawings to show how the fence will actually look. As such, it is considered that insufficient information has been provided to discharge the condition.

Condition 8

Condition 8 states:

"Before the commencement of the development hereby granted beyond oversight, full details of the

means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use."

Four soakaways are proposed (two to the rear and to the front); however, no details of their capacity or scale have been provided. As such, it cannot be assured that the strategy is acceptable; and therefore, the condition cannot be discharged.

Condition 9

Condition 9 states:

"Before the commencement of the development hereby granted, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use."

It is proposed that foul water is carried from the front of the dwelling and then connected to the main sewer. Given the scale of this site, the strategy is considered acceptable.

Condition 10

Condition 10 states:

"Prior to the commencement of the development hereby permitted beyond oversight, 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.

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."

In addition to the hedge and trees, two swift bricks per dwelling are proposed. For swift bricks to function effectively, they should be in threes; therefore, rendering the strategy ineffective.

The condition also required details of management and monitoring which have not been provided.

As such, the proposal is considered to fail to meet the requirements of the condition.

Conclusion

For the reasons above, the details provided are considered to be inadequate to discharge conditions 3, 5, 6, 7, 8 or 10. Further information would be required to ensure the requirements of these conditions are met, which has not been provided in a timely fashion. As such, the recommendation is for refusal.

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.

Recommendation

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