

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H08-1097-21 **Applicant:** Fraylich Homes Ltd

Proposal: Details of external materials, brickwork panel, guttering, doors & windows, chimney stacks, existing & proposed site levels & floor levels, construction & surfacing details for proposed driveway & parking area and tree protection measures (Conditions 3, 5, 8, 9, 10, 13 and 15 of H08-0704-19)

Location: 59 High Street Gosberton Spalding

Terminal Date: 23rd December 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
11	Distribution of New Housing
17	Providing a Mix of Housing
29	The Historic Environment

National Guidance

National Planning Policy Framework 2021

Section 16 of the National Planning Policy Framework (2021).

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This Condition Compliance application is for the discharging of conditions 3, 4, 5, 6, 7, 8, 9, 10, 13, 15 & 16 of H08-0704-19. Those conditions read as follows;

3) Before the commencement of the development hereby permitted beyond oversight 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 appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.

This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

5) A one metre square freestanding panel of brickwork showing the type of brick to be used in the construction of the development hereby permitted shall be constructed on site and approved by the Local Planning Authority before the commencement of the development hereby permitted. All new brickwork shall match that of the approved panel in terms of the type of bricks used, the method of bonding, mortar colour and pointing style. The brickwork panel so constructed shall be retained on the site until the development hereby approved has been completed.

Note: The applicant is advised that a buff coloured mortar (using yellow/orange sand and white Portland cement or similar) with a flush, 'bagged' finish to reveal the aggregate in the mix would be appropriate.

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

This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

6) The guttering to the development hereby permitted shall be of metal construction painted black, fixed to the external walls by means of gutter spikes/rise and fall brackets and no fascia boarding shall be used.

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

This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

7) All new window frames, glazing bars, doors and external door frames shall be of timber construction with a painted finish and thereafter so maintained.

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

This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

8) For the avoidance of doubt, the new windows to the south and west elevations shall be traditional, painted timber, box sliding sashes, set at least 10 cm in reveal, with the boxes recessed behind the masonry and the brick arch soffit exposed. The sashes shall have 2/2 panes, decorative horns, solid glazing bars with triangular putty effect glazing bead and full constructional details, at a scale of not less than 1:10, or full scale samples shall be submitted to and approved in writing by the Local Planning Authority before development is commenced. The windows shall be installed in accordance with the approved details and thereafter so maintained.

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

This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

9) Details of all other window frames and the external doors to be utilised in the development hereby permitted, including samples if so required, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Such details shall indicate, at a scale of not less than 1:10, the longitudinal and cross-sectional detailing, cill and lintol detailing, and means of opening. The window frames and doors shall be installed in accordance with the approved details and thereafter so maintained.

Note: The applicant is advised that traditional flush casement windows with solid glazing bars and putty effect glazing bead would be acceptable for use on the rear elevation, and that gauged brick arches should be used throughout to match the front elevation.

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

This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

10) Notwithstanding the approved drawings, large scale details (at a scale of at least 1:10) of the following features shall be submitted to and be approved in writing by the Local Planning Authority and no work shall commence in advance of that approval. These details shall provide for a cross sectional detailed drawing at 1:10 scale for each feature and the development shall be constructed in accordance with the details so approved:

- Door and window-head gauged brick arch, lintol and cill detail;
- Front door surround;
- Gable chimney stacks, to be taller and deeper than indicated so as to relate better to the proportions of the house.

Note: The applicant is advised that the use of a pre-formed gauged brick arch and non-traditional lintol design may be necessary in order to meet the requirements of Condition 8.

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

This Condition is imposed in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

13) Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the 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 details so approved.

Reason : To ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent 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 Policies 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019.

15) Before the commencement of the development hereby permitted, and notwithstanding the submitted details, the applicant shall submit to and have approved in writing by the Local Planning Authority constructional and surfacing details for the proposed driveway and vehicle parking area. These details shall indicate how any impact on the root system and long term health of the protected Lime tree immediately adjacent to the site access will be mitigated. The development shall be carried out in strict accordance with the details so approved.

Reason: To ensure that the protected Lime tree is not adversely affected by the development.

16) Where trees are to be retained on site they shall be protected during construction work as follows:

- i) chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority;
- ii) no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;
- iii) no services shall be routed under the spread of the crowns of the trees to be retained without the prior written consent of the Local Planning Authority;
- iv) no retained tree shall be cut down, up-rooted, destroyed, topped or lopped without the prior written consent of the Local Planning Authority and if any tree which is to be retained dies within five years beginning with the date on which the development is commenced it shall be replaced with a tree of such size and species as may be specified in writing by the Local Planning Authority.

Reason: To ensure the protection of trees on the site.

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

Site Description

As in host application

History

As in host application

Consultation Responses

Trees and Nature Conservation Officer

Ground levels have been provided, and are to be kept the same near the tree which is excellent. It would have been useful to have confirmed an actual measurement for the canopy spread of the tree so that we could see the extent of 16(i). There is nothing to indicate that the tree canopy as shown on the plans is just a stylised indication or an actual measurement. This will have very relevant implications when it comes to the space available for construction purposes. It is noted that although much preferred the Root Protection Area as measured in British Standard 5837:2012 was not referenced in Condition 16.

Further comment relating to condition 15 suggests that the details are sufficient, but that the applicant should clarify the depth of the driveway membranes, and also that perambulation should be avoided of the soil under the protected tree, and also suggests that the applicant be advised that the surface should be de-compacted.

Planning Considerations

Condition 3

The details of the external materials presented are as follows;

Brick - Hanson Hampton Rural Red
Roof Tile - Sandtoft Old English pan tiles (clay)
Guttering - Black metal rainwater goods
Windows - painted timber
Drive/parking area - gravel.

These details are considered to be sufficient and acceptable. Therefore, condition 3 can be discharged.

Condition 5

The image provided of the brick panel shows a brick and brick course which is appropriate for the setting and commensurate with the requirements of this condition and condition 4, which requires the brickwork to be constructed in English Garden Wall bond at a ratio of 3 courses of stretchers to every course of headers - therefore, condition 5 may be discharged.

Condition 6

This condition does not need to be discharged, however, it is confirmed by the applicant that the guttering will be black metal.

Condition 7

This condition does not need to be discharged, however, the details provided confirm that the windows will be painted timber.

Condition 8

The window details provided are commensurate with the requirements of this condition and it may therefore be discharged.

Condition 9

The details of the windows and doors have been submitted and are of timber, painted construction, fitting the requirements of all previous conditions, and therefore, the details are commensurate with satisfying the condition and therefore may be discharged.

Condition 10

The details submitted of the door and window arch, door frame and chimney appear to be commensurate with the requirements of the condition and therefore, are satisfactory to discharge the condition.

Condition 13

The proposed site levels have been submitted and indicate no change to exterior surfaces. Ground floor interior floor level will be at 0.240m above the Datum point at the kerbside. These details are satisfactory and therefore, the condition may be discharged.

Condition 15

The Trees and Nature Conservation Officer has been consulted and does not raise any substantial concerns. Therefore, this condition can be discharged. However, it is advised that due to the proposal to set up protective fencing only after site preparation, perambulation or storage on the grass within the root protection area, and also any pre-existing hard standing in such an area should be de-compacted.

Further consultation with the applicant has confirmed that the heras fencing will be emplaced prior to site prep, and decompaction will take place. Therefore, this condition may be discharged.

Condition 16

The trees and nature conservation officer has been consulted and found there to be no substantive objections. This condition does not require discharging, however, the Local Planning Authority is therefore satisfied that the proposed works meet this standard.

Conclusion

For the reasons listed above, this application is found to be in accordance with Policies 1, 2, 3, 11, 17 and 29 of the South East Lincolnshire Local Plan (2019) as well as Section 16 of the National Planning Policy Framework (2021). Therefore, 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.