

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0606-23 **Applicant:** Ashwood Homes Ltd

Proposal: Details of proposed boundary treatments & details of existing & proposed site levels & floor levels (Conditions 4 & 8 of H09-0276-19)

Location: Partridge Road, Off Fen Road Holbeach Spalding

Terminal Date: 27th September 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
04 Approach to Flood Risk

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework (2021)

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge conditions 4 and 8, attached to planning approval H09-0276-19, relating to details in relation to proposed boundary treatments and details of existing and proposed site levels and floor levels.

Planning approval H09-0276-19 granted full planning permission for the erection of 83 dwellings with associated garaging, roads and sewers.

Site Description

The application site lies to the north of Fen road and is located as to the neighboured to the east by residential properties that reside along the western side of the B1168.

The initial planning approval, H09-0276-19, having been assessed prior to the commencement of development described the site as being "agricultural and relatively flat".

History

H09-0276-19 - FULL - Erection of 83 dwellings with associated garaging, roads and sewers - APPROVED - 09-10-20.

H09-0914-20 - Discharge of Conditions - Details of boundary treatment, external materials, foul water disposal, site levels, notification relating to archaeological work, details of 2.0 metre wide footway, finished surface levels, surface water drainage scheme, construction management, precautions for mud deposits on road, plan showing areas of publicly accessible open space and management plan for areas of publicly accessible and outdoor play areas (Conditions 4, 5, 7, 8, 9, 11, 12, 13, 14, 15, 16 and 17 of H09-0276-19) - DISCHARGED/APPROVED - 01.02.21.

H09-1261-21 - FULL - Erection of 6 dwellings & associated parking (previously approved under H09-0276-19) - APPROVED - 26.01.22.

H09-1109-22 - Non-Material Amendment - Addition of external door to utility room of Mere house type on Plot 14 - APPROVED - 25.11.22.

H09-1142-22 - Discharge of Conditions - Details of archaeological final report (Condition 10 of H09-0276-19) - DISCHARGED/APPROVED - 03.01.23.

H09-1176-22 - Non-Material Amendment - Addition of external door to utility room to Plot 15 - APPROVED - 16.12.22.

H09-0522-23 - Non-Material Amendment - Amendment to position of plots 29-31 and path to rear access of plots 29 and 30 - APPROVED - 23.06.23.

Consultation Responses

Internal Drainage Board

The South Holland IDB has been made aware of planning application H09-0606-23 via a weekly list. We note the presence of proposed crossings over the Board maintained watercourse known as F38 Holbeach Old River shown on the Boundary Treatment plan. Any crossings over this watercourse will require Land Drainage Consent (specifically under Section 23 of the Land Drainage Act 1991). No consent has been granted; however, the applicant is aware of the Board's requirements.

Neighbouring Residents

This application has been advertised in accordance with the Development Management Procedure Order and the Council's Statement of Community Involvement. No letters of representation have been received from neighbouring residents.

Planning Considerations

This application relates to conditions 4 and 8 of planning approval H09-0276-19.

Condition Details

Condition 4

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.

The boundary treatment details have been submitted following prior discussion between the developers, the Local Planning Authority and neighbouring residents. Application reference H09-0914-20, which relates to a previously determined discharge of conditions application, considered the proposed boundary treatments which were subsequently approved.

The boundary treatments hereby submitted largely reflect those previously approved with the exception of the northern boundary, whereby the previously approved 2.4m high close boarded fence has been replaced with the proposed retaining wall with 1.8m high fencing above.

These boundary treatments, including the retaining wall with 1.8m high fencing are considered to be acceptable.

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 details in respect of levels, which largely reflect those previously proposed albeit comprise some alterations, are to be read in conjunction with the details submitted for conditions 4, and are considered to be acceptable.

Conclusion

The details in relation to these conditions (4 and 8) 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.