

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0922-24 **Applicant:** Mr A Rowe

Proposal: Details of site levels & floor levels, boundary treatments & scheme of landscaping (Conditions 5, 6 & 7 of H14-0633-21)

Location: Land Off Spalding Road Pinchbeck Spalding

Terminal Date: 30th December 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks to discharge conditions 5, 6 and 7 of H14-0633-21, relating to details of site levels & floor levels, boundary treatments and a scheme of landscaping.

Site Description

The site is the former premises of Glen Farrow and all buildings have now been demolished, with the site now being prepared for development. There are two access points in between dwellings fronting Spalding Road. Along this road there are a mix of semi-detached and detached properties. Tall conifer trees that used to border most of the eastern boundary have now been felled. New dwellings have been built to the east and north of the site.

Relevant History

H14-0752-24 - Condition Compliance - Details relating to contamination (Condition 3 of H14-0633-21). Approved 02/12/24.

H14-0633-21 - Full - Residential Development - 5 Dwellings. Approved 14/12/21.

H14-0041-19 - s73 - Demolition of vacant industrial buildings and erection of up to 5 detached

houses - approved under H14-1187-17 - Modification of Conditions 2 and 5 to allow amendments to previously approved plans. Approved 07/03/19

H14-0931-18 - Demolition of structures on site. Approved 18/10/18.

H14-1187-17 - Outline - Demolition of vacant industrial buildings and the erection of up to 5 detached houses. Approved 05/02/18.

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:

No consultation responses received.

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.

Key Planning Considerations

Condition 5

Condition 5 of H14-0633-21 reads as follows:

"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 detailed submitted show that finished floor levels have been raised at least 500mm above existing levels, in accordance with Condition 12 of the same permission. Finished floor levels would be raised no more than 670mm above existing ground level, which averages to no less than 500mm above road level.

The submitted cross sections show an acceptable relationship with neighbouring dwellings. As such, the submitted details are considered acceptable and Condition 5 can be discharged.

Condition 6

Condition 6 reads as follows:

"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 submitted details show a 2.4-metre-high boundary fence, comprised of a 0.3m gravel board, 1.8m close boarded fence and 0.3m of trellis. The decision to use gravel board and trellising reduces the visual impacts of the fencing, while ensuring no unacceptable views are obtained. There is a difference in height between the top of the trellis and the top of the windows of no more

than 0.5m, which would thereby ensure no significant overlooking occurs.

In any event, if views could be obtained from the rear of Plot One, these would be of semi-private space and therefore are not overly intrusive. Those obtained from Plot Two would be of a blank elevation, preventing obtrusive views. Plots three, four and five are all two storey dwellings, and so in effect, the scale and design of the properties and the resultant impact should also be considered in respect of the resultant impact following the erection of these boundary treatments. In this case, the details are suitable.

Therefore, the details submitted are considered acceptable and condition 6 can be discharged.

Condition 7

Condition 7 reads as follows:

"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 3.0 (or any successor)."

The submitted details show hedgerows are to be planted along a central portion of the western boundary, alongside four trees and a small section of shrubs. Two more trees are proposed in plot 1 and 2, while shrub and low level hedging would be scattered throughout the site.

While no metric has been provided to ensure this, it is abundantly clear that the submitted details would secure biodiversity net gain. The submitted details are acceptable, and as such, condition 7 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.

Conclusion

The submitted details appear acceptable and conditions 5, 6, and 7 of H14-0633-21 can be discharged.

Recommendation

Based on the assessment detailed above, it is recommended that the conditions can be discharged under Delegated Authority.