

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0227-25 **Applicant:** Seagate Homes Ltd

Proposal: Details of site levels & proposed floor levels, hard surfaced areas & amenity areas & boundary treatments (Conditions 4 & 10 of H16-0136-23)

Location: Ivanda Nursery Monks House Lane Spalding

Terminal Date: 26th May 2025

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 December 2024

Section 12: Achieving Well-designed Places
Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change.

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

The application seeks the approval of details in respect of Conditions 04 and 10 of planning permission H16-0136-23. Condition 04 requires full details of existing and proposed site and floor levels of the buildings to be submitted and approved by the local planning authority, along with details of hard surfaced and amenity areas. Condition 10 requires details of boundary treatments, including a schedule of fencing levels, heights and materials including railings and other boundary treatments.

Site Description

The site relates to a former nursely located within the settlement boundary of Spalding. Planning permission was granted in September 2024 (reference H16-0136-23) for the residential development of 70 dwellings, including the demolition of existing glasshouses.

History

H16-0136-23: Proposed residential development of 70 dwellings, including demolition of existing glasshouses. Approved 25.09.2024.

H16-0885-24: Details of Archaeological Mitigation Strategy (Condition 05 of H16-0136-23)
:Approved 07.11.2024.

H16-0277-25: Details of gas/electricity external boxes, gas flues and soil vents (Condition 27 of H16-0136-23). Approved 08.04.2025.

H16-0220-25: Details of external materials of construction of buildings and hard surfaced areas (Condition 09 of H16-0136-23).. Approved 08.04.2025.

H16-0222-25: Details of foul water disposal and surface water disposal (Condition 17 and 18 of H16-0136-23). Approved 23.04.2025.

H16-0226-25: Details of estate road phasing and completion plan (Condition 30 of H16-0136-23).
Approved 16.05.2025.

Consultation Responses

None undertaken.

Planning Considerations

Condition 04 Wording

Notwithstanding the submitted details before the commencement of the development hereby permitted, with the exception of demolition, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and amenity areas, including the relationship to proposed finished floor levels of the building, including any mitigation measures arising as a consequence (for example increased height of boundary treatment or flood mitigation requirements), 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: The submission shall be supported by cross-sectional drawings showing the relationship with adjoining sites, uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place and to ensure there are no adverse effects upon the amenity to nearby residential properties.

The reason for the condition is:

To reduce the risk of flooding, to take account of flood mitigation measures and 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, streetscape 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.

Condition 04 Detail

Site sections and cross-sectional drawings have been submitted. These show the Existing Ground Level ranges from 2.800m AOD to 3.190m AOD, with the Finished Floor Level of all dwellings being 3.500metres AOD. The site levels also show the hard surfaced areas and amenity areas to be below those of the finished floor levels of the dwellings. It is not considered that the resulting finished floor levels of the dwellings would adversely affect the amenity of existing properties bounding the site nor detract from the character of the area. Moreover, the finished floor levels accord with Condition 03 which requires these to be 0.3metres above existing ground levels to minimise the risk of flooding.

Condition 10 Wording

Notwithstanding the submitted details prior to its installation, details of the proposed boundary treatments including a schedule of fencing levels, heights and materials, including railings or other boundary treatments around the attenuation basin and adjoining the highway/estate road together with 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.

Note: It should be noted that the Edward Drain shall not be fenced off. Any fencing installed on site shall respect the 6m easement adjacent to the Edward Drain. This area shall be kept free of any fencing.

The reason for the condition is:

In the interests of the character and appearance of the development and the amenity of the area in which it is set including the amenity of nearby occupiers.

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

Condition 10 Detail

The submitted drawings show the provision of 1.8metre high close boarded fencing to the rear boundaries and between neighbouring houses to create privacy. Hedging is proposed to the front boundary of dwellings and adjacent to public highways and footpaths with 0.45metre high timber knee rail fencing to the rear of the hedging. Details of the species, height and density of the hedging has also been provided.

The Internal Drainage Board has agreed the details of the landscaping in respect of the Edward Drain under application reference H16-0221-25.

The submitted details ensure the boundary treatments proposed safeguard the character and appearance of the area and amenity of existing residential property bounding the site.

Conclusion

The submitted details are considered acceptable.

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

Conditions 04 and 10 of application reference H16-0136-23 are discharged.