

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0334-24 **Applicant:** Mr A Quantrill

Proposal: Details of external boxes for gas & electricity supplies & gas flues & soil vent pipes, boundary treatments & site & floor levels (Conditions 3, 5 & 6 of H16-0748-21)

Location: Adjacent To 117 Albion Street Spalding Lincolnshire

Terminal Date: 7th June 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

- 5 - Delivering a sufficient supply of homes
- 12 - Achieving well-designed and beautiful places
- 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application on land adjacent 117 Albion Street, Spalding for details of external boxes for gas and electricity supplies and gas flues and soil vent pipes, boundary treatments & site and floor levels (Conditions 3, 5 & 6 of H16-0748-21).

SITE DESCRIPTION

The site is within the defined settlement limits of Spalding with dwellings to the north, west and south. The River Welland is sited to the east. The dwelling would be in Environment Agency Flood Zone 3, and solely the further rear extent of the garden being "Low Hazard" and having a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping. .

RELEVANT HISTORY

H16-0582-83

Outline - Erection of house and garage with access - Approved - 27 September 1983.

H16-0023-16

Outline - Two storey detached dwelling - Approved - 07 March 2016.

H16-0111-17

Reserved Matters - Erection of two-storey detached dwelling - outline approval H16-0023-16 - Approved - 26 April 2017.

H16-0748-21

Full - Erection of two-storey detached dwelling - Approved - 02 November 2021.

CONSULTATION RESPONSES

Initial Responses Received (Consultation period between 12th April 2024 to 3rd May 2024)

Lincolnshire County Council - Highways & SUDS - 18th April 2024

No objections - *"The conditions are not highway related for details of external boxes for gas & electricity supplies & gas flues & soil vent pipes, boundary treatments & site & floor levels (Conditions 3, 5 & 6 of H16-0748-21). The HLLFA have no comment."*

South Holland District Council - Environmental Protection - 1st May 2024

"No comments."

EVALUATION

Compliance with Condition 3 of H16-0748-21 - Domestic Accoutrements

Condition 3 of H16-0748-21 states:

"Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

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

The gas and electricity meters will be sited on the north facing side elevation of dwelling. The meters are not visually prominent and do not materially detract from the character and appearance of the dwelling.

Condition 3 of H16-0748-21 is considered to have been addressed.

Compliance with Condition 5 of H16-0748-21 - Details off Boundary Treatment

Condition 5 of H16-0748-21 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.

Reason: 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."

The western rear boundary will have a 2 metre high fence, along with the northern side boundary. The northern fencing beyond the frontage of the dwelling will be 0.9 metres in height. The eastern frontage boundary will be open and the southern side boundary treatment will remain. The existing fencing along the southern boundary is 1.8 metres in height with some sporadic hedging growing behind the fencing.

That being said, condition 5 explicitly required cross sectional drawings to be submitted as part of a discharge of conditions application. Given the significant rise in FFL here, it is considered that inadequate information has been provided in order to ensure that the boundary treatments will adequately mitigate overlooking.

Insufficient evidence has been provided to discharge condition 5 of H16-0748-21 .

Compliance with Condition 6 of H16-0748-21 - Details of Existing and Proposed Site Levels

Condition 6 of H16-0748-21 states:

"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.

Reason: To reduce the risk of flooding of the 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 Policy 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2021."

The existing ground level where the principal elevation of the dwelling would be located is between 4.93 and 4.773 metres ODN (going south to north); while the ground level where the rear of the dwelling would be located is currently set at 4.34 metres ODN. The angle of decrease between the two points is fairly consistent, although slightly more rapid along the southern boundary. The existing ground level at the roadside is approximately 5.107 metres ODN. The far rear of the site is set at 3.822 metres.

The proposed finished floor level of the dwelling is 5.31 metres ODN. The eastern section of the plot (where the dwelling is located) would be raised accordingly, to be set at 0.15 metres below finished floor levels or 5.16 metres ODN. This translates to a dwelling approximately 0.4 metres above existing ground level at the front of the site, and 0.97 metres above ground level at the rear of the house. That being said, the FFL would only be approximately 0.2 metres above ground level at the road.

Insufficient details floor or ground levels of adjacent plots have been submitted in order to enable an adequate comparative view. As such, the potential for overlooking or overshadowing arising from the raise in FFL cannot be fully assessed at this time. Condition 6 explicitly required the submission of cross-sectional drawings which have not been submitted here. Therefore, it is considered that the inadequate details have been provided to ensure no unacceptable amenity impacts would occur or to enable an informed decision by the LPA.

Insufficient evidence has been provided to discharge condition 6 of H16-0748-21.

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

Insufficient evidence has been provided to discharge conditions 5 and 6 of H16-0748-21. The

conditions cannot be discharged at this time.

RECOMMENDATION

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