DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0390-25**	**Applicant:**	**Mr A Quantrill**
Proposal:	Details of external boxes for gas & electricity supplies & of any gas flues & soil vent pipes, boundary treatments & existing & proposed site & floor levels (Conditions 3, 5 & 6 of H16-0748-21)		
Location:	Adjacent To 117 Albion Street Spalding Lincolnshire		
Terminal Date:	20th June 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks to discharge Conditions 3, 5 and 6 of H16-0748-21, relating to the details of external gas boxes, electricity boxes, gas flues, soil vent pipes, as well as, proposed boundary treatments, site levels and proposed floor levels.

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.

H16-0334-24 - Condition Compliance - 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) - Refused - 28 October 2024.

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 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.

As such, the details are considered to be acceptable.

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.

From the submitted details, it would appear that the proposal would suitably preserve the residential amenity of neighbouring properties. Views from ground level and/ or the ground floor would be obscured by the proposed fencing.

The submitted designs of the fencing appear to be acceptable.

The details are therefore considered to be acceptable.

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."

A detailed topographical survey outlining the fluctuating site levels has been provided, which shows the ground level of both the site and its neighbours. This has been further supported by several topographic surveys, outlining how the site levels relate to neighbouring dwellings.

As such, the proposed 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.

Conclusion

Sufficient details have been provided to discharge conditions 3, 5 and 6 of H16-0748-21.

Recommendation

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