

## DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0819-25 Applicant: MJL Property & Holdings Ltd

**Proposal:** Details of finished floor levels, Construction Method Statement, scheme of landscaping, proposed boundary treatment and materials (Conditions 3, 4, 5, 7 and 8 of H16-0061-22) - Allowed on appeal

**Location:** Land At Former Halmer Grange Spalding

**Terminal Date:** 22nd October 2025

## 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
- 28 The Natural Environment
- 30 Pollution

## National Guidance

National Planning Policy Framework December 2024

- Section 2 - Achieving sustainable development
- Section 4 - Decision-making
- Section 5 - Delivering a sufficient supply of homes
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change
- Section 15 - Conserving and enhancing the natural environment

## Representations:

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

# **CASE OFFICER ASSESSMENT**

## **Proposal**

This application seeks to discharge conditions 3, 4, 5, 7 and 8 of permission H16-0061-22. Permission H16-0061-22 granted consent for the erection of 2 dwellings.

## **Site Description**

The site is part of the grounds of Grange Court, a building which has recently been converted from a former care home (Halmer Grange) to 17 flats under planning permission H16-1083-13, which was allowed on appeal. The application site is now a considerably overgrown area of land, which is currently fenced off. There are dwellings to the north and east (both bungalows and houses) and Grange Court itself to the west. Spalding High School's playing field is located to the south.

## **Relevant Planning History**

H16-1107-18: (Full Application) Erection of three dwellings (refused December 2018)

H16-1023-16: (Full Application) Proposed six houses (dismissed on appeal May 2017)

H16-0583-16: (Full Application) Erection of six dwellings (refused August 2016)

H16-1083-13: (Full Application) Proposed conversion of existing residential care home to residential flats (allowed on appeal August 2015)

H16-0061-22: (Full Application) Erection of 2 detached dwellings - refused 08 February 2023 - allowed on appeal on 08 February 2023

## **Consultation Responses**

Lincolnshire County Council - Highways and SUDS: The Details of finished floor levels, Construction Method Statement, scheme of landscaping, proposed boundary treatment and materials (Conditions 3, 4, 5, 7 and 8 of H16-0061-22) - Allowed on appeal are acceptable in accordance with approved drawings and details submitted with this application.

Environmental Protection: No comments.

## **Key Planning Considerations**

Condition 3 reads as follows:

"No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels."

The submitted site plan (4419-25 01) shows the proposed site levels. The proposed levels within the gardens are similar to the private access road and would be similar throughout the site. As such, the site would be relatively flat throughout. The proposed floor levels of the dwellings would be 10 Above Ordnance Datum (AOD). This has been confirmed by the applicant's agent as the plans refer to the damp proof course levels as 10.15 AOD, and the ground floor levels are proposed to be 150mm lower than this. The submitted plan sets out that the first floor level will be 12.75 AOD. This would enable the development to also accord with condition 10, which requires habitable floors to be a minimum of 2m above the ground level. As such, condition 3 can be discharged.

Condition 4 reads as follows:

"No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;

- storage of plant and materials;
- the erection and maintenance of security hoarding;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development."

The application is accompanied by a Construction Management Plan (CMP) which sets out various details including the following:

- All vehicle for site operatives and vehicles to be stored in a gated area within the site;
- The existing access will be used for all construction vehicles, deliveries, which will be guided into the site gates for loading and un-loading of materials and equipment at all times. All un-loading and loading will be on hardstanding areas only.
- The site skips will be stored away from boundaries and within the site confines of the storage area.
- During the construction period, heras fencing is proposed around the site and there will be a gated access to segregate works from members of the public.
- If any vehicle becomes muddy from site, it will be washed down in a designated area.
- Separate skips are to be provided for recycling and disposing of waste.
- The proposed construction hours are 7am to 6pm Monday to Friday, 8am to 1pm on Saturdays and no working on Sundays or bank holidays.

No objections have been raised to the CMP by the council's environmental protection team or Lincolnshire County Council's highways team. Therefore, it is considered that condition 4 can be discharged.

Condition 5 reads as follows:

"Prior to any development above ground level a scheme of landscaping shall have been submitted to and approved in writing by the local planning authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development."

The submitted site plan (4419-25 01) shows that the plots will feature grassed garden areas with some planting including various trees along the rear boundaries of the plot gardens and along the northern edge of the site. A hedgerow is proposed in front of the dwellings behind post and rail fencing that is proposed to be no taller than 1m in height. The submitted landscaping details are considered to be acceptable as there would be an appropriate mix of soft and hard landscaping. As such, condition 5 can be discharged.

Condition 7 reads as follows:

"Prior to installation, details of any proposed boundary treatment, including a schedule of fencing levels, heights and materials, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved boundary treatments will be implemented prior to the occupation of the development and retained thereafter."

The submitted site plan (4419-25 01) shows the existing and proposed boundary treatments. The existing 1.8m high close boarded fence along the northern boundary of the site is proposed to be retained. A similar 1.8m close boarded fence is proposed around the side and rear boundaries of the two plots. This is considered to be acceptable. Post and rail fencing is proposed at the front of the plots, in front of mixed hedgerows. The fencing would be no taller than 1m. Post and rail fencing is more typically seen in rural areas, however, it is considered that the visual impact of this fencing would be acceptable given that the fencing would be no taller than 1m.

Condition 8 reads as follows:

"Prior to any development above ground level, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter only be carried out in accordance with the approved details."

The application is accompanied by a Material Schedule List which sets out the following materials for both plots:

- Wienerberger Red Multi Gilt Stock;
- Crest Platinum Concrete Flat Tile (grey);
- Grey uPVC doors and windows; and
- Black uPVC rainwater goods.

The approved elevation plans indicate that brickwork is proposed. Dwellings located on Grange Drive feature a mixture of materials including render and different coloured brickwork. The proposed red brickwork is considered to be of a suitable quality and appearance to respond positively to the character and appearance of the area. Similarly, the proposed concrete tiles would blend in with many of the nearest properties which also feature concrete roof tiles.

## **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:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- 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).
- 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 details address the requirements of conditions 3, 4, 5, 7 and 8 of permission H16-0061-22.

## **Recommendation**

Discharge conditions 3, 4, 5, 7 and 8.