

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H22-1064-23 **Applicant:** Highgrove Homes (Spalding) Ltd

Proposal: Details of landscaping, tree planting & boundary treatments (Conditions 4 & 7 of H22-0894-23)

Location: Adjacent To 2 Fengate Drove Weston Hills Spalding

Terminal Date: 25th January 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
28 The Natural Environment

National Guidance

National Planning Policy Framework 2023

Section 4 - Decision-Making
Section 12 - Achieving well-designed and beautiful places
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
--	--------	---------	---------	----------

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge of planning conditions 4 and 7 attached to H22-0894-23. The condition involves details of landscaping and boundary treatments.

Site Description

The site lies within the defined settlement boundaries of Weston Hill as outlined within the South East Lincolnshire Local Plan, 2019 (SELLP). The site sits adjacent to No. 2 Fengate which is a two storey dwelling made from bricks with a tiled roof and white uPVC windows and doors, this is of similar materials to other dwellings the immediate area. There are small number of dwellings to the north east of the site with the majority of this land acting as fields etc.

History

H22-0894-23 - Erection of detached 3 bed bungalow - Approved

Consultation Responses

No consultation responses received.

Planning Considerations

Condition 4 - Landscaping Detail

Condition 4 states that -

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 3.1 (or any successor).

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set, and that Biodiversity Net Gain will be achieved. This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021.

The area surrounding the dwelling is of course grassed as this will be the amenity space for the residents. The details illustrate that there shall be no tree planting on site; however, there is still adequate landscaping details provided within this application.

The scheme includes a 2650mm hedge on the eastern boundary running parallel to Fence Type B on this side, with Phormium plants located to the front of the proposed bungalow. This is therefore an adequate amount of green area and foliage within the site to satisfy this condition and requirement. Alongside this, there shall be one bat box and swift nest brick within the site to provide suitable habitats for animals to safely reside if needed. The details are therefore considered to be acceptable.

Condition 4 of H22-0894-23 can therefore be discharged.

Condition 7 - Details of Boundary Treatment

Condition 7 states that -

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.

When the submitted information is assessed against the condition, the following can be observed -

The details illustrate the proposed use of four separate boundary treatments throughout the site. Fence Type A runs 23000mm along the western boundary and 23500mm along the northern boundary, this is a 1.2m high feather board fence.

Fence Type B runs 26500mm along the eastern side which is also 1.2m in height, but is a post and rail fence (this is the fence closest to the highway).

Finally, Fence Type C & D are both on the southern side closest to the neighbouring property; type C is a timber knee rail running around 6000mm with Type D being a feather board fence of 1.83m height and having a total length of 8500mm, with an adjacent section being around 4500mm to provide additional cover and privacy to the neighbouring property. There are a variety of designs of boundary treatments in the immediate area and therefore these styles are acceptable and has no impact on highway safety.

Condition 7 of H22-0894-23 can therefore be discharged.

Conclusion

Condition 4 and 7 of planning permission H22-0894-23 are hereby 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.

Recommendation

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