DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H06-0138-20**	**Applicant:**	**S Mcauley & C Taylor**
Proposal:	Details of landscaping, boundary treatment and foul and surface water disposal (Conditions 5, 6 and 7 of H06-1002-19)		
Location:	Off Marsh Road Gedney Drove End Spalding		
Terminal Date:	10th April 2020		

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 2019

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application to seek permission for details of landscaping, boundary treatment and foul and surface water disposal (Conditions 5, 6 and 7 of H06-1002-19).

Full planning permission has been recently granted for single detached dwellinghouse at land off Marsh Road, Gedney Drove End, Spalding.

Site Description

The site is within the built-up area of Gedney Drove End. To the north-west is a former Methodist

Chapel, which is used currently as a dwelling. To the south-east, the property known as 'The Bungalow' is a single-storey detached dwelling built in 1980s. A frontage of bungalows is found on the opposite side of the road (Winston Close). Open field extends beyond the rear boundary. The topography shows that the site levels are slightly higher than the highway. The land is currently grassed.

History

H06-1002-19 - Proposed dwelling - Approved

Consultation Responses

South Holland IDB

No objection.

It is reminded to contact them should any discharge be made to their watercourses in order to ensure compliance with the Board's byelaws.

Lincolnshire County Council as Highway and Lead Local Flood Authority

No objection.

Planning Considerations

Landscaping and boundary treatment

Condition 5 of H06-1002-19 laid down the following:

"Before the commencement of the development hereby permitted beyond oversite, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site 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."

Also, Condition 6 of H06-1002-19:

"Prior to its installation, details of the proposed boundary treatment, including a schedule of 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."

Paragraph 27 of NPPF, 2019 states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Lincolnshire post and rail fencing will be erected along the boundary abutting Marsh Road and the first metres of the south-eastern boundary. The fence will be of low height and would not significantly obscure views which is the sought effect in terms of amenity and highway safety. The existing timber closeboard fencing will remain along the north-western boundary adjoining The Chapel. A mixed hedgerow will enclose the land extending towards south-west.

Pairs and set of three trees will be planted across the land to the rear of the proposed dwelling. The species will comprise feathered silver birches, hawthorns and whitebeams. All trees will be located adjacent to the boundaries.

In view of the features of the proposed works, the landscaping strategy and means of enclosure will respect the residential use of the site as well as the existing features nearby. Overall, the details are considered acceptable in view of the conditions and policies mentioned above.

Foul and surface water disposal

Condition 7 of H06-1002-19 states the following:

Before the commencement of the development hereby granted beyond oversite, full details of the proposed means of foul and surface water disposal to separate systems shall be submitted to and approved in writing by the Local Planning Authority and the details so approved shall be implemented in full before there are any flows into the receiving systems.

Policy 4 of SELLP is concerned on flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

A soakaway is proposed for surface water runoff management. It will be installed approximately 7.50 metres to the rear of the dwellinghouse which accords with the minimum 5 metre separation distance required by Building Regulations.

For an appropriate foul water treatment, a Klagerster Biodisc package treatment plan will be installed further away from the property. When foul waters have been treated, it is intended to discharge water into the IDB existing drain to the south-west. The Board has not objected the principle of discharge albeit having reminded the compliance with the Board's Byelaws.

The proposed strategy for foul and surface water disposal is in line with the aforementioned policies and statutory consultees. Thus, the details are acceptable in these matters.

Conclusion

Taking into account the considerations above, the proposed details fulfil the requirements contained in Conditions 5, 6 and 7 of H06-1002-19.

It is accordingly recommended to approve this planning application via delegated powers.

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.