

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H07-0090-20 **Applicant:** Mr S Kennally

Proposal: Details of landscaping, boundary treatment, access road materials & archaeology investigation (Conditions 3, 4, 5 & 8 of H07-0922-19)

Location: Land To The East Of Hillgate Gedney Hill Spalding

Terminal Date: 30th March 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
29 The Historic Environment

National Guidance

National Planning Policy Framework 2019

Sections 12 and 16

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application is to discharge conditions 3 (landscaping), 4 (boundary treatment), 5 (access road materials) & 8 (archaeology investigation) of H07-0922-19.

Site Description

The site (some 0.17ha) is former agricultural land located on the eastern side of Hillgate to the rear

of nos. 17 and 19 Hillgate (chalet bungalows). Holy Trinity Church (Grade II* listed) and a listed cross (Grade II) are situated to the north, plus boundary hedging and trees within the graveyard. A bungalow is located to the south with 1.8m fencing on the common boundary.

History

H07-0922-19 - Full - Erection of two single-storey detached dwellings and garages - Granted 26 November 2019.

Consultation Responses

LCC Highways/SUDS - No objections.

LCC Archaeology - No objections.

Planning Considerations

Condition 3 (landscaping) - The proposed scheme is mainly scrub planting. However, there are trees adjoining on the southern and northern boundaries, plus boundary hedging, which are to be retained. The scheme is considered acceptable on balance and accord with policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Condition 4 (boundary treatment) - Existing walling/fencing will be retained along the western boundary. Hedging is already in situ along the northern boundary between the site and the churchyard. 1.8m high fencing presently exists along the southern boundary. The submitted details are acceptable and accord with policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Condition 5 (access road materials) - The driveway will be constructed in gravel with a vehicular crossover constructed to LCC Highways standards. LCC Highways has raised no objections on highway safety grounds.

Condition 8 (archaeology investigation) - LCC Archaeology has confirmed that the written scheme of archaeological investigation meets all of their requirements in respect of condition 8 of H07-0922-19 and that this condition can be discharged.

Conclusion

That conditions 3 (landscaping), 4 (boundary treatment), 5 (access road materials) & 8 (archaeology investigation) of H07-0922-19 be 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.