

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0511-21 **Applicant:** Mr D & A Rulewski

Proposal: Details of landscaping, maintenance measures for existing hedge along eastern & southern boundaries, landscape and site management plan, boundary treatment and means of foul & surface water disposal (Conditions 4, 5, 6, 7 & 9 of H09-0801-20)

Location: 47 Low Lane Holbeach Spalding

Terminal Date: 14th July 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
31	Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework 2019

NPPF 2021

Representations:

	Object	Support	No Obj.	Comments
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application is to discharge conditions 4, 5, 6, 7 & 9 of H09-0801-20 (details of landscaping, maintenance measures for existing hedge along eastern & southern boundaries, landscape and site management plan, boundary treatment and means of foul & surface water disposal).

History

H09-0801-20 - Full - Erection of four detached two-storey dwellings, two detached garages and

demolition of existing bungalow - Granted 25 February 2021.

Consultation Responses

Public

Concerns raised (summarised):

Surface water run-off onto neighbouring property; Ownership issues; Why is secondary fencing required between driveways; If trees in south-western corner are to be removed what will be planted in their place? Is it domestic or commercial build?

Planning Considerations

Condition 4 (landscaping) - The scheme includes new tree and hedge planting. 4 no. leylandii trees would be retained in the south western corner. The submitted details are considered acceptable.

Condition 5 (maintenance measures for existing hedge along eastern & southern boundaries) - The existing Leylandii hedge to the east and south boundaries is to be retained and maintained at a height of approximately 4.5 metres.

Condition 6 (landscape, habitat and site management plan) - The application is accompanied by a landscape and site management plan, plus a Construction Environmental management Plan (biodiversity) by Torc Ecology. The information submitted is comprehensive and considered acceptable.

Condition 7 (boundary treatment) - Existing fencing would be retained along the southern section of the western boundary adjoining "The Chestnuts". An existing 600mm post and wire fence would be retained along the remainder, which is acceptable given the separation distances from neighbouring properties to the west on the opposite side of a private roadway. Existing hedging would be retained along the southern and western boundaries. A brick wall with timber infill panels is proposed along the boundary between the site and no. 45a Low Lane. The scheme is considered acceptable.

Condition 9 (foul & surface water disposal) - Foul water would be disposed of to the mains sewer.

Surface water from the roofs would be disposed of to crate soakaways. Surface water run-off from the private roadway would be to a French drain on its western side and thereafter to a crate soakaway. Ground conditions are considered suitable for a SUDs scheme of this nature. The size/volume of the soakaways would be governed under the building regulations.

Matters Raised by a Third Party

Concerns raised regarding boundary fencing, surface water run-off and landscaping have already been addressed above.

Ownership falls outside the remit of planning and is a separate legal matter.

Issues have been raised over whether the proposal is a domestic or commercial build and whether it falls under the "Construction (Design and Management) Regulations 2015". The latter fall outside the remit of planning.

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

That conditions 4, 5, 6, 7 & 9 of H09-0801-20 be discharged.