

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H13-0398-21 **Applicant:** Mr & Mrs M Moore

Proposal: Details of external materials, landscaping, boundary treatment and foul and surface water disposal (Conditions 3, 4, 5 & 6 of H13-0381-18)

Location: Rear Of 27 West Cobgate Moulton Spalding

Terminal Date: 10th June 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
04 Approach to Flood Risk
30 Pollution

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of external materials, landscaping, boundary treatment and foul and surface water disposal (Conditions 3, 4, 5 & 6 of H13-0381-18).

Site Description

As original application.

History

Consultation Responses

South Holland Drainage Board - Recommends that the proposed surface water drainage strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater.

Planning Considerations

Condition 3 (materials schedule) - External walls would be a combination of a brickwork plinth (Wienerberger Turca Kasandra) and timber effect cladding above (Cedral - pewter and pearl). Roof tiles would be a Spanish grey slate. Driveway to be permeable block paved (Marshalls Original Tegula Priora) with patio to be constructed of flagstones. Given that the dwelling would be located to the rear of existing frontage development, and existing development is varied in terms of materials of construction, the proposed external materials are acceptable.

Condition 4 (landscaping) - The proposed landscaping is limited but in keeping with the nature of the development. In addition to the hard landscaping described above, the remainder of the curtilage would be grassed with low level planting and new native trees.

Condition 5 (boundary treatment) - The proposal is to utilise the existing 1.8m boundary fencing. Given that the dwelling is to be single storey and floor levels are not to be raised, this would be sufficient to prevent a material overlooking impact.

Condition 6 (drainage details) - The proposal is for connection to be made to the existing mains sewer for foul water disposal, which is a satisfactory arrangement. Soakways would be used for surface water disposal. There are no known ground permeability issues in this location that would preclude the use of soakaways and infiltration is the preferred method for surface water disposal in accordance with the drainage hierarchy.

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

Taking the above into account, it is considered that Conditions 3, 4, 5 & 6 of H13-0381-18 can be discharged.