

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H15-1013-19 **Applicant:** Mr A Hubbard - Red Roof Developments

Proposal: Details of archaeology, materials, landscaping and agreement to tree work (Conditions 3, 6, 7 and 8 of H15-1103-18)

Location: 6 Town Drove Quadring Spalding

Terminal Date: 9th December 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of archaeology, materials, landscaping and agreement to tree work (Conditions 3, 6, 7 and 8 of H15-1103-18).

Condition 8 is not a pre-commencement condition and is one which is discharged through the construction process.

Site Description

The site is the rear garden of no. 6 Town Drove, which is located to the east. However, as the front elevation faces east, the garden itself has a boundary with Town Drove. The site is mostly surrounded by trees, apart from the eastern boundary. There is also a tree within the site, however this is not protected. There are agricultural fields to the rear and the access to these fields runs adjacent to the western boundary. There is a listed building further to the west (no. 14 Town Drove, Grade II listed).

History

H15-1103-18 - Erection of detached bungalow and detached garage (approved December 2018)

Consultation Responses

LCC Historic Environment Officer - I can confirm that the specification submitted here meets all of our requirements in respect of condition 3 of permission H15-1103-18. We can therefore recommend that condition 3 is discharged.

SHDC Trees and Nature Conservation Officer - No objection to the tree protection and landscaping plan submitted.

Planning Considerations

LCC's Historic Environment Officer and SHDC's Trees and Nature Conservation Officer have no objections to the submitted Specification for Archaeological Monitoring and Tree Protection and Landscaping plan respectively. The majority of the area surrounding the proposed dwelling would be covered by lawn or gravel (drive). Pruning of existing hedging on the boundaries is to take place to promote growth and new native hedging is proposed to fill any gaps. The Sycamore on the northern boundary is to be removed to create the access and selective tree pruning is to take place on the southern boundary to create a rear vista.

The proposed materials of construction are Forterra Hampton Rural Blend bricks and Sandtoft Double Pantile Rustic tiles. This is acceptable taking into account the variety of materials used in the construction of existing buildings in the vicinity and the specific materials of the Grade II Listed Building (Town Drove (south side) further west (red facing brick and terracotta pantiles).

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 the submitted details in relation to Conditions 3, 6 and 7 of H15-1103-18 are acceptable.