

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0078-21 **Applicant:** McAfee Design Ltd.

Proposal: Details of foul water disposal, surface water drainage, external materials, boundary treatment and landscaping (Conditions 3, 4, 5, 6 & 7 of H16-0022-19)

Location: Land North Of 13 Palin Drive Spalding

Terminal Date: 23rd March 2021

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

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

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of foul water disposal, surface water drainage, external materials, boundary treatment and landscaping (Conditions 3, 4, 5, 6 & 7 of H16-0022-19).

Site Description

As original application.

History

Consultation Responses

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

Planning Considerations

Condition 3 (foul water drainage) - Proposal is to make connection to the existing Anglian Water network. This is an acceptable arrangement.

Condition 4 (surface water drainage) - The proposal is for sub-surface geocellular storage beneath the driveway which will be connected to the wider drainage system in the rear garden of no. 13. Ordinarily, soakaways would be the preferable surface water drainage solution for a scheme of this nature and size, however the size of the plot makes the use of soakaways problematic (given they have to be 5 metres away from structures and the highway). In light of this, the proposed drainage scheme is acceptable.

Condition 5 (materials schedule) - Proposed materials of construction are Ibstock Grosvenor County Mixture bricks above DPC, Marley Anglia Antique Brown roof tiles and white UPVC fenestration. This would be in keeping with existing development in the vicinity. The driveway would be permeable block paved which is acceptable in visual terms and for drainage reasons.

Condition 6 (boundary treatment) - The proposal is to rely upon the existing close board fence along the southern boundary and repair where necessary. Along the eastern boundary, a 1.8m timber close board fence is to be erected above concrete retaining boards. The level at the boundary is to be raised by approximately 600mm with the base of the retaining board being at this level. The finished floor level of the property would be at a similar level with the remainder of the garden being at a slightly lower level. Given this, it is not considered that there would be a material overlooking impact on neighbouring properties and the fencing should be at a height which would not be perceived as overbearing. To the western boundary, extending alongside the garden will be a brick dwarf wall and pier infilled with timber close board fence, totalling 2.1m in height. The remainder of that boundary as far as the driveway would be painted steel hoop top railings.

Condition 7 (landscaping) - The garden area would be a combination of turf and buff paving with planting beds, shrubs and trees along the eastern and southern boundaries. This is an acceptable scheme given the size of the site.

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 & 7 of H16-0022-19 can be discharged.