

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0475-21 **Applicant:** Scottpark Developments Ltd.

Proposal: Details of external materials, external meter boxes etc, landscaping, boundary treatment and surface water disposal (Conditions 3, 4, 5, 6, & 7 of H16-0500-20)

Location: Land Adj. Tidswell Bungalow Burr Lane Spalding

Terminal Date: 16th 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

National Guidance

National Planning Policy Framework 2019

NPPF 2021

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, external meter boxes etc, landscaping, boundary treatment and surface water disposal (Conditions 3, 4, 5, 6, & 7 of H16-0500-20).

Site Description

As original application.

History

H16-0148-08

Full - Proposed replacement commercial premises - Approved - 07 April 2008.

H16-1012-08

Full - Replacement building (part retrospective) - Approved - 12 November 2008.

H16-0330-20

Outline - Residential development - chalet bungalow - Approval - 11 June 2020.

H16-0500-20

Full - Erection of Dwelling - Approval - 10 September 2020.

Consultation Responses

South Holland Drainage Board - The Board commented on this application on 20.07.2020. Based on the information provided, we uphold the same comments in respect of surface water drainage arrangements.

For completeness, in those comments, the Drainage Board recommended that the proposed drainage strategy be supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater.

Planning Considerations

Condition 3 (external materials) - The proposed bricks are TBS Original Gault Blend and the proposed roof tiles Marley flat interlocking tiles in grey. These materials are similar in appearance to those utilised in other dwellings along Burr Lane and are therefore acceptable. The dark grey windows and doors will provide a more modern touch to the appearance. In terms of hard surfacing, a patio is proposed to the rear of the property and would not be visible from the front.

Condition 4 (meter boxes etc.) - The electricity meter box is to be sited on the side elevation and any pipes and vents to the rear of the property, therefore in more discreet locations.

Condition 5 (landscaping) - To the front of the dwelling, a mixed hedge, low level shrubbery and a single Hawthorn tree is proposed. To the rear, the area beyond the patio will be grassed and low level shrubbery introduced in front of the rear fence. The landscaping to the front would represent an improvement on the existing situation.

Condition 6 (boundary treatment) - 1.8m close board fencing is proposed to the side and rear of the dwelling. As ground levels are to remain as existing (therefore similar to neighbouring plots) and finished floor levels would only be raised by approx. 300mm, fencing of this height would be appropriate in amenity/privacy terms at first floor/ground level. In addition, the only non-obscure glazed side facing window would face toward some heather screening the neighbouring property to the west has in place. The key overlooking issue in this instance is by virtue of the rear first floor windows to the proposed dwelling (two bedrooms and a bathroom) facing towards the building to the south, which has permission for conversion to a bungalow (H16-0894-19). These windows will face toward a bedroom and the kitchen/dining/living space of said bungalow. It would be preferable for the rear boundary treatment to the application site to be higher to reduce overlooking, however this would arguably lead to an overbearing/enclosing feature in close proximity to the bedroom window of the neighbouring bungalow which is north facing and will therefore receive more limited light without higher fencing being introduced. The proposed arrangement would, on balance, be acceptable and is also appropriate in visual terms.

Condition 7 (surface water disposal) - The proposal is for surface water to be disposed on via soakaway. There are no known issues with ground conditions in the area that would preclude the use of soakaways.

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 H16-0500-20 can be discharged.