

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0900-20 **Applicant:** Scott Park Developments Ltd

Proposal: Details of confirmation of opaque glass in rear bedroom windows, external materials, external boxes etc, planting scheme, boundary treatments and contamination report (Conditions 4, 5, 6, 7, 8 and 10 of H16-0505-17)

Location: 36-38 Holbeach Road Spalding

Terminal Date: 14th December 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 and 14 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application for details of confirmation of opaque glass in rear bedroom windows, external materials, external boxes etc, planting scheme, boundary treatments and contamination report (Conditions 4, 5, 6, 7, 8 and 10 of H16-0505-17) at 36-38 Holbeach Road, Spalding.

SITE DESCRIPTION

The site is within the defined settlement limits of Spalding. The approval site recently housed dilapidated engineering works buildings. Holbeach Road sits immediately to west of the site, with the River Welland beyond. Residential dwellings sit to the north and south of the site at 44 Holbeach Road and 34 Holbeach respectively. The rear gardens of dwellings at Harveys Close are located beyond the eastern boundary. The proposal site is in Environment Agency Flood Zone 3, is in "Danger for Most and "Danger for All" hazard areas, with a maximum predicted flood depth at the rear of the site of 2 metres on the 2115 South Holland Strategic Flood Risk Mapping.

HISTORY

H16-1606-04

Outline - Residential development - two dwellings - Approved - 10 January 2005.

H16-0178-06

Outline - Residential development - erection of two dwellings - Approved - 12 April 2006.

H16-0542-16

Full - Construction of six two-storey dwellings - Refused - 25 August 2016.

H16-0505-17

Full - Erection of 6 two-storey dwellings (re-submission of H16-0542-16) - Approved - 11 September 2017.

CONSULTATION RESPONSES

Environmental Health Technician

No objections.

Environmental Protection Officer

No objections.

PLANNING CONSIDERATIONS

Compliance with Condition 4 of H16-0505-17 - Obscure Glazing

The rear elevation windows are to be level 5 obscure glazed. This is considered to provide an appropriate level of privacy for neighbouring properties on Harveys Close and for the future occupants of the site.

Condition 4 is now considered to have been addressed.

Compliance with Condition 5 of H16-0505-17 - External Materials

The proposed external materials are Wienerberger Oakwood Multi brick with Marley Edgemere Grey Concrete tiling. Windows are to be of UPVC construction. The inline parking areas to the front of the site will be of tarmac construction. The rear access paths and courtyard gardens to the rear will be of Richmond Natural Utility Grey paving slabs. All of the proposed materials are considered to be appropriate for the site.

Condition 5 is now considered to have been addressed.

Compliance with Condition 6 of H16-0505-17 - Domestic Accoutrements

The proposed metre box and white UPVC soil pipe are considered to be appropriately sited to the side elevation of each property, and are not considered to materially impact the character of the dwellings of the surrounding area.

Condition 6 is now considered to have been addressed.

Compliance with Condition 7 of H16-0505-17 - Landscaping

No trees, bushes or grassed gardens are planned on this development. This proposal has not impacted surface water drainage, as the previous site use had no surface water drainage provision having been covered by buildings and concrete. The paving slabs will allow surface water to drain from the site. The applicant is of the opinion that planting of any scale may impact structural integrity and dominate what are fairly small rear courtyard areas. It is considered that on this site, with the high density of dwellings, that the lack of planting in this instance is acceptable.

Surface water to the front of the site will be collected by a channel which will lead to private on site drainage.

Condition 7 is now considered to have been addressed.

Boundary treatment to the rear is in the form of concrete slotted fence posts, with concrete gravel boards and timber fence panels. The panels will not exceed 2 metres in height at any point.

Condition 8 is now considered to have been addressed.

Compliance with Condition 10 of H16-0505-17 - Contaminated Land

A Phase II Site Investigation Report has been submitted for consideration and the Environmental Protection Officer has no objections to the submitted details.

Condition 10 is now considered to have been addressed.

PLANNING BALANCE

All pre-commencement conditions of H16-0505-17 are now considered to have been addressed. The development can now commence beyond oversight.

CONCLUSION

This condition compliance application is recommended for approval.

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.