DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H20-0307-23	**Applicant:**	Mr J Smith
Proposal:	Details of internal layout, boundary treatments, foul and surface water drainage, proposed & existing external lighting and soft landscaping (Condition 3i of enforcement appeal APP/A2525/C/20/3258547)		
Location:	Land East Of Baulkins Drove Sutton St James Spalding		
Terminal Date:	26th May 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
20	Accommodation for Gypsies, Travellers and Travelling Showpeople
30	Pollution

National Guidance

National Planning Policy Framework 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	2
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application relating to Condition 3i of enforcement appeal APP/A2525/C/20/3258547. Submitted are the details of internal layout, boundary treatments, foul and surface water drainage, proposed & existing external lighting and soft landscaping.

Site Description

Site is located towards the south-east of Baulkins Drove, outside of any settlement boundaries outlined in the South-East Lincolnshire Local Plan, 2019 (SELLP). The nearest defined settlement is Sutton St James approximately 1 km to the north. The area is characterised by sparse residential and agricultural developments.

Relevant History

H20-1049-15 - Full. Proposed 3 bedroom house and office associated with wholesale nursery. Refused 24/02/16.

APP/A2525/C/20/3258547 - Enforcement Appeal. Appeal against enforcement action regarding the siting of caravans without permission. Appeal allowed and planning permission granted 13/01/23.

Consultation Responses

Anglian Water

No objection.

North Level Internal Drainage Board

No objection to proposal, however, does raise attention to Byelaw 10 of the IDB Development Control Byelaws.

Planning Considerations

Internal Layout of Site

The submitted details show two mobile homes and touring caravans located to the front of the site, with a stables and paddock area to the rear. The submitted details satisfactorily accord to the relevant condition and the site layout is considered acceptable.

Boundary Treatments

All existing boundary treatments are to be retained and maintained as part of the conditions of the approval. In addition to this it is proposed that a close boarded timber fence be added to the front of the site. It is proposed that a native hedge is planted along the rear permitter, enclosing the paddock.

The submitted boundary treatments are considered acceptable.

Surface and Foul Water Drainage

Loose bound permeable hardstanding is proposed to cover the front of the site. As this is permeable, surface water could still be adequately drained from the land. The relevant consultee from the local Internal Drainage Board raised no objections to the submitted scheme.

Foul water is to be taken via a cesspit to the rear of the mobile homes. This is considered acceptable. Anglian Water have raised no objection.

The submitted drainage scheme is considered acceptable.

Lighting

The submitted details show wall mounted LEDs, which are to be fixed to the front of the mobile homes and stables. Due to the boundary treatments present, the distance between the site and

neighbouring properties, and the nature of the LEDs it is not considered that the lighting scheme would increase the levels of light pollution in the area.

The submitted details are therefore acceptable.

Soft Landscaping

The submitted scheme of soft landscaping shows that local topsoil will be used where needed on the site. The submitted details are acceptable.

Conclusion

The submitted details adequately conform to and achieve the aims of Condition 3i. Therefore, the condition can be discharged.

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.