DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H23-0014-21**	**Applicant:**	**Mr & Mrs R Balding**
Proposal:	Details of landscaping (Condition 3 of H23-0828-20)		
Location:	Land Off Green Bank Whaplode Drove Spalding		
Terminal Date:	3rd March 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application that seeks permission for details of landscaping to comply with Condition 3 of H23-0828-20.

The host application was approved to grant permission for erection of detached bungalow at Land off Green Bank, Whaplode Drove, Spalding.

Site Description

The proposed site fronts onto Green Bank to the west. The site is a smallholding of an approximately 2.69 hectare agricultural field which is under applicant's ownership and currently leased to a farmer. The remainder of the arable land would extend to the north-east, east and south-east from the proposed site.

The site would constitute an enlargement of a short frontage development comprising detached bungalows within fairly spacious plots. Fairview is the adjacent property to the north. The land immediately to the south would remain vacant forming a gap with Emsted further down the road. The boundary treatment of both adjacent properties to the site obscures views from the ground level

onto the site.

History

H23-0828-20 - Erection of detached bungalow - approved under H23-1012-19. Modification of Condition 2 to allow amendments to previously approved plans - Approved

H23-1012-19 - Erection of one detached bungalow - Approved

Consultation Responses

None.

Planning Considerations

The existing mature conifer hedge would remain on the northern boundary with Fairview. The height is approximately 2 metres and therefore the hedge would block any overlooking between the northern elevation openings of the future bungalow and the neighbouring property. Furthermore, the topography of the application site appear to be such that it has lower site levels than Fairview, thereby lower probability to create any unduly harm by reason of overlooking.

The boundaries onto the open fields would be treated with a 1.8 metre high timber closeboard fence. In conjunction with the hedgerow to retain, the boundary treatment would be characteristic of a residential plot but with some elements to blend it better with the semi-rural character of the area.

A 1 metre high metal railing fence would be erected on the front boundary onto Green Bank. It is deemed appropriate in terms of highway as it would ensure good visibility for car drivers when entering and egressing the site. Moreover, it would not totally enclose the plot which would appear at odds with the open views of the area.

Lawn would be laid to the front and rear garden other than permeable paving block for the driveway. Details of lawn sowing, soil preparation and future maintenance have been provided.

Planning Balance

The landscaping strategy and boundary treatment is considered to be appropriate. The appearance of the scheme would be characteristic of the residential use without detracting from the countryside features of the semi-rural location.

Conclusion

Taking the above into account, it is considered that the details are acceptable, and Condition 3 of H23-0828-20 therefore 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.