

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H01-0217-19 **Applicant:** Cowbit Homes Ltd

Proposal: Details of construction management, precautions to prevent mud deposits on highway, site and floor levels, foul drainage strategy, scheme of archaeological investigation, details of external materials, boundary treatment, landscaping, open space management and details re existing hedging (Conditions 4, 5, 6, 11, 12, 13, 14, 15, 16 and 18 of H01-0924-18)

Location: Land South: Moulton Chapel Road Moulton Chapel Road Cowbit

Terminal Date: 6th June 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
29	The Historic Environment
30	Pollution

National Guidance

National Planning Policy Framework 2019

Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an application to discharge Conditions 4, 5, 6, 11, 12, 13, 14, 15, 16 and 18 of H01-0924-18 (development of 32 dwellings on land south of Moulton Chapel Road, Cowbit).

Site Description

The site is agricultural land located on the edge of Cowbit near to the A16 roundabout. The rear of residential properties fronting Backgate adjoin the site to the west. The western, southern and eastern boundaries are lined by trees. There is an agricultural yard and a residential property on the opposite side of Moulton Chapel Road.

The site is not within the settlement boundary for Cowbit as set out in the South East Lincolnshire Local Plan (2019). However, the site does have an extant outline planning permission for 17 dwellings (H01-0035-17).

History

H01-0924-18 - Development of 32 affordable dwellings (approved February 2019)

H01-0035-17 - Proposed residential development of up to 17 dwellings (approved July 2017)

Consultation Responses

SHDC Environmental Protection - No objection to construction management plan.

SHDC Nature and Tree Conservation - Hedgerow along southern boundary should be retained. Requests note re hedge trimming and ensuring protection of bird, nests and eggs. Gives advice for watering of trees and shrubs.

LCC Historic Environment Officer - Confirms that the written scheme of archaeological investigation meets their requirements.

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

Anglian Water - Recommend discharge of the foul drainage condition.

Planning Considerations

Given the consultation responses received it is considered that the submitted information in respect of Conditions 4, 11 and 12 is acceptable.

The proposed finished floor levels are to be in accordance with the approved flood risk assessment and the proposed means of dealing with mud on the highway is appropriate.

A mixture of red and cream bricks are proposed with grey slate effect tiles. The red brick type proposed would be in keeping with a number of existing buildings in the vicinity and the cream would add variation to this.

In terms of boundary treatment, rear gardens would be enclosed by 1.8m close board timber fencing in the main. Along the southern boundary, acoustic fencing would be installed in accordance with the noise report submitted with the full application.

Rear gardens would be grassed with a small patio area to each dwelling. Soft landscaping is proposed to the front of properties and along the frontage along Moulton Chapel Road. The existing hedge along the southern boundary is to be retained and maintained in accordance with the submitted management plan.

The Registered Provider is to be responsible for the maintenance of soft landscaping, unadopted driveways, parking areas and streetlighting. The Highways Authority would maintain the adopted roadway. This arrangement is acceptable.

Conclusion

Overall, it is considered that the information submitted to satisfy Conditions 4, 5, 6, 11, 12, 13, 14, 15, 16 and 18 of H01-0924-18 is acceptable and that the conditions can be discharged in this instance.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.