

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H02-0898-19 **Applicant:** Seagate Homes
Proposal: Details of Conditions 4, 8, 9, 10, 11, 13 and 15 of H02-0771-18
Location: Land Off James Road Crowland Spalding
Terminal Date: 10th January 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

NPPF

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	1	0
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of conditions 4, 8, 9, 10, 11, 13 & 15 of H02-0771-18.

Site Description

As host application.

Relevant History

H02-0039-19 Reserved Matters. Erection of 49 dwellings and associated works - outline approval H02-0771-18. Approved 28.11.19.

H02-0771-18 Proposed residential development, replacement allotments and new cemetery, including woodland burial plots, associated infrastructure and new accesses - approved under H02-0108-18 - Modification of Condition 5 relating to affordable housing. Approved 23-10-18.

H02-0108-18 Proposed residential development, replacement allotments and new cemetery including woodland burial plots, associated infrastructure and new accesses-approved under H02-0259-15. Modification of Conditions 2 and 20 to allow amendments to previously approved plans and Flood Risk Assessment.

Consultation Responses

SHDC Environmental Protection

Have no comments to make in respect of the amended CMP.

SHDC Environmental Services

No response received.

LCC Highways & SUDS Support

No observations.

Planning Considerations

Condition 4 phasing of the development

Details are considered to be acceptable

Condition 8 management plan for the areas of publicly accessible open space and any outdoor play areas

Details are considered to be acceptable.

Condition 9 proposed boundary treatment

The boundary treatments are proposed to be a mix of 1.8m close boarded fence and 1.8m brick walls.

This is considered to be acceptable.

Condition 10 design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes

Details are considered to be acceptable.

Condition 11 means of storage and disposal of refuse and recycling

The details are considered to be acceptable.

Condition 13 construction management

Details are considered to be acceptable.

Condition 15 precautions to be taken to prevent the deposit of mud on public highways

Details are considered to be acceptable.

Conclusion

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.