DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H03-0631-19**	**Applicant:**	**Jelson Ltd**
Proposal:	Details of noise and vibration report, existing and proposed site and floor levels, management and maintenance of proposed streets, surface water drainage scheme and external materials (Conditions 12, 14, 17, 19 and 24 of H03-0331-16)		
Location:	Caultons Field West Of Littleworth Drove Deeping St Nicholas		
Terminal Date:	19th August 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
05	Meeting Physical Infrastructure and Service Needs
11	Distribution of New Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework 2019

4. Decision-making
8. Promoting healthy and safe communities
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change

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 noise and vibration report, existing and proposed site and floor levels, management and maintenance of proposed streets, surface water drainage scheme and external materials (Conditions 12, 14, 17, 19 and 24 of H03-0331-16)

Revisions have been received since submission.

Site Description

As H03-0331-16.

History

H03-0331-16. Land: Caulton's Field West of Littleworth Drove. Approved 23-11-16.

Consultation Responses

SHDC Environmental Protection - Have read the noise and vibration assessment carried out by WYG in conjunction with the reserved matters approved site plan. The assessment methodology appears to be appropriate and conclusions seem reasonable.

LCC Highways & SUDS Support - No objection.

Planning Considerations

Condition 12
Before the commencement of the development hereby permitted, a noise and vibration report prepared by a suitably qualified consultant shall be submitted to and approved in writing by the Local Planning Authority. This report shall identify any measures or works necessary to ensure that there is no possible nuisance caused to the proposed residential properties from noise or vibration.

Those measures and works so approved by the Local Planning Authority shall be implemented in full before the development hereby granted is first brought into use.

SHDC Environmental Protection have read the noise and vibration assessment carried out by WYG in conjunction with the reserved matters approved site plan. The assessment methodology appears to be appropriate and conclusions seem reasonable.

Condition 14
Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the details so approved.

The site levels are acceptable. No objection received from LCC.

Condition 17

No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980).

The details are acceptable. No objection received from LCC.

Condition 19
No development shall take place until a surface water drainage scheme for the site, based on sustainable urban drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority....

The details are acceptable. No objection received from LCC.

Condition 24
Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

The details are acceptable.

Conclusion

It is considered that the submitted details are now acceptable and these conditions 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.