DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H03-0852-19**	**Applicant:**	**Jelson Ltd**
Proposal:	Details of archaeological investigation, construction management, precautions for mud deposits, design and position of cycle racks and boundary treatment (Conditions 5, 6, 8, 9, 10 and 21 of H03-0331-16)		
Location:	Caultons Field West - Off Littleworth Drove Deeping St Nicholas Spalding		
Terminal Date:	23rd October 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Discharge of conditions relating to the host planning permission. The conditions are set out below.

Site Description

As host application.

History

H03-0331-16. Outline planning application for the erection of up to 66 dwellings (with means of access to be considered). Approved 23-11-16.

H03-1151-18. Reserved Matters - Erection of 66 dwellings and associated works - outline approval H03-0331-16. Approved 30-05-19.

H03-0603-19. Modified Agreement - Modify affordable housing contribution from 33.3% to 25% to reflect amended Local Plan Policy (planning approval H03-1151-18). Approved 11-07-19

Consultation Responses

LCC Highways and SUDS

No objections or observations.

Historic Environment Officer Lincolnshire County Council - confirms that the information submitted is sufficient to warrant the discharge of conditions 5 and 6 of permission H03-0331-16.

Network Rail

Has no further comments to make.

Planning Considerations

Condition 5

No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
2. A methodology and timetable of site investigation and recording
3. Provision for site analysis
4. Provision for publication and dissemination of analysis and records
5. Provision for archive deposition
6. Nomination of a competent person/organisation to undertake the work
7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.
The archaeological site work shall only be undertaken in accordance with the approved written scheme.

confirms that the information submitted is sufficient to warrant the discharge of conditions 5 and 6 of permission H03-0331-16.

Condition 6

The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 5 above in order to facilitate adequate monitoring arrangements.

This condition does not require discharge, but requires action.

Condition 8

A detailed scheme of construction management to minimise disturbance during the construction

process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved.

The scheme shall incorporate all the requirements of Railtrack as set out in the accompanying email dated 16 may 2016 from Matthew Leighton.

The submitted details are considered to be acceptable.

Condition 9

Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before commencement of the construction of the development and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development.

The submitted details are considered to be acceptable. There is not considered to be material disturbance to residential amenity or highway safety from the temporary construction access through the established hedge. The speed limit on this section of road is 40mph and visibility is clear in both directions.

Condition 10

Prior to the commencement of the first use of the development hereby permitted cycle racks shall be provided in the vicinity of the dwellings of a design and in positions which shall be approved in writing by the Local Planning Authority.

The submitted details are considered to be acceptable.

Conclusion

The submitted details for details of archaeological investigation, construction management, precautions for mud deposits, design and position of cycle racks and boundary treatment have now been addressed. Conditions 5, 6, 8, 9, 10 and 21 of H03-0331-16 are now considered to have been satisfied.

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.