DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H05-0737-16**	**Applicant:**	**Invicta Developments Limited**
Proposal:	Details of existing and proposed site levels and proposed floor levels, contamination report, large scale details, foul surface water disposal, materials of construction and design and means of enclosure and external illumination (Conditions 2,4,15 (part), 17,18 and 19 of H05-0077-16).		
Location:	Orchard House Fleet Road Holbeach		
Terminal Date:	27th September 2016		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework 2019

Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
LOUISE JENNINGS - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	3
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Details of existing and proposed site levels and proposed floor levels, contamination report, large scale details, foul surface water disposal, materials of construction and design and means of enclosure and external illumination (Conditions 2, 4, 15 (part), 17, 18 and 19 of H05-0077-16).

Site Description

Former health facility in the process of being converted to 14 dwellings, plus the erection of 18 terraced dwellings in 3 blocks to the east.

History

H05-1079-17 - Conversion of redundant health facility into 14 dwellings and erection of 18 terraced dwellings complete with parking facilities - approved under H05-0563-11 - Modification of Condition 2 to allow amendments to previously approved plans (withdrawn February 2018)

H05-0945-15 - Details of Conditions 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 of H05-0077-16 (part approved, part refused July 2016)

H05-0946-15 - Details of Conditions 2, 3, 5 & 6 of H05-0078-16 (approved July 2016)

H05-0077-16 and H05-0078-16 - Conversion of redundant health facility into 14 dwellings and erection of 18 terraced dwellings with parking facilities - approved under H05-0563-11. Modification of Condition 2 of H05-0563-11 to allow amendments to previously approved plans (approved March 2016)

H05-0563-11 and H05-0564-11 - Conversion of redundant health facility into 14 dwellings and erection of 18 terraced dwellings complete with parking facilities (approved November 2011)

Consultation Responses

SHDC Environmental Protection - Recommends discharge of Condition 4 of H05-0077-16 in full. It should be noted that a covenant is in place regarding extensions to ensure that the cover system is not breached.

LCC Historic Environment Officer - Conditions requested for discharge do not relate to any outstanding archaeological conditions, however raised that the site does have a requirement for archaeological monitoring which is consistently not being adhered to.

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

Anglian Water - No objection.

Planning Considerations

Condition 2 (site and floor levels) - After undertaking a site visit it has been concluded that there has been no detrimental impact upon the listed building nor on the amenity of occupiers. Site and floor levels are therefore considered acceptable.

Condition 4 (contamination) - Following the submission of various documents and a site visit, SHDC Environmental Protection are content that the developer has implemented the agreed remediation method statement.

Condition 15 (part - waste collection points) - 3 bin storage points are located around the site. One to the south-west of the new building dwellings and one either side of Holbeach House. This is acceptable.

Condition 17 (foul and surface water disposal) - Surface water and foul water from Orchard House

to be disposed of via existing systems. Soakaway system created for new build dwellings and new foul drainage system created to connect to existing foul system. No objections from Anglian Water or Lincolnshire County Council as Lead Local Flood Authority. The submitted details are therefore considered satisfactory.

Condition 18 (boundary treatment) - Orchard House itself continues to be bounded by 1.8m high timber close boarded fence on the eastern and northern boundaries. New 1.8m high treated timber close boarded fencing has been installed along the eastern and southern boundaries of Orchard House as well as surround the rear gardens of new build terraced dwellings. This is acceptable.

Condition 19 (external illumination) - LED lights are shown at either end of the two northern blocks of terraced dwellings and LED wall lights are shown at intervals on Orchard House. This is acceptable.

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.

Conclusion

Taking the above into account, it is considered that Conditions 2, 4, 15 (part), 17, 18 and 19 of H05-0077-16 can be discharged.