DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0223-22**	**Applicant:**	**Woodgate Developments Ltd.**
Proposal:	Details of roads & footways, surface water drainage scheme, method statement & closure report, scheme for the provision of bat boxes, design & position of all external boxes, gas flues & soil vent pipes, construction management plan and management plan for areas of publicly accessible open space (Conditions 7, 9, 10, 11 (i), 13, 14, 15 & 17 of H08-0678-16) and details of management & maintenance schedule for areas of landscaping, open space, refuse/recycling collection points & parking courts/private drives, levels of footway to rear of Highbridge House, Fairholme & Greetham's Bungalow and details of external lighting (Conditions 2, 4 & 5 of H08-0744-21)		
Location:	25a High Street Gosberton Spalding		
Terminal Date:	26th April 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
02	Development Management
03	Design of New Development
30	Pollution
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Details of roads & footways, surface water drainage scheme, method statement & closure report, scheme for the provision of bat boxes, design & position of all external boxes, gas flues & soil vent pipes, construction management plan and management plan for areas of publicly accessible open space (Conditions 7, 9, 10, 11, 13, 14, 15 & 17 of H08-0678-16) and details of management & maintenance schedule for areas of landscaping, open space, refuse/recycling collection points & parking courts/private drives, levels of footway to rear of Highbridge House, Fairholme & Greetham's Bungalow and details of external lighting (Conditions 2, 4 & 5 of H08-0744-21).

Site Description

As original applications, except development has now commenced.

History

H08-0678-16 - Outline - Residential development (approved July 2018)

H08-0744-21 - Reserved Matters - Residential development & associated works - outline approval H08-0678-16 (approved January 2022)

Consultation Responses

SHDC Environmental Protection (contaminated land) - I have reviewed the Delta Simons reports '21-1321.01 Preliminary Environmental Risk Assessment - July 2021' and '21.1321.01 Remediation Strategy - July 2021' and recommend discharge of parts i of condition of H08-0678-16 with part ii remaining outstanding. If there are any significant changes to the finished levels please reconsult me.

SHDC Environmental Protection (noise and odour) - As the site is adjacent to existing residential properties I recommend that the construction hours be adjusted to:
7.30am-5pm Monday-Friday
8am-1pm Saturday
No work on Sundays or Bank Holidays.

Welland and Deepings Internal Drainage Board - Previous comments dated 12th August 2021 submitted under planning application H08-0744-21 still stand. The Board are currently dealing directly with the developer regarding surface water disposal.

LCC Highways/SUDS - Having given due regard to the appropriate local and national planning policy guidance (in
particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the submitted details are satisfactory and does not wish to object.

Planning Considerations

H08-0678-16

Condition 7 (footway provision and spec) - Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the submitted details are satisfactory

Condition 9 (junction of estate road with public highway) - Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the submitted details are satisfactory

Condition 10 (surface water drainage) - Lincolnshire County Council (as Highway Authority and

Lead Local Flood Authority) has concluded that the submitted details are satisfactory

Condition 11 (contaminated land scheme) - SHDC's Environmental Protection Officer has reviewed the Delta Simons reports '21-1321.01 Preliminary Environmental Risk Assessment - July 2021' and '21.1321.01 Remediation Strategy - July 2021' and recommends discharge of parts i of this condition with part ii remaining outstanding.

Condition 13 (bat and bird nest boxes) - The proposals comply with the requirements of this condition and the previously approved Preliminary Ecological Appraisal.

Condition 14 (flues, SVPs and meter boxes) - SVPs are located on the rear roof slope and meter boxes sited on the side elevations where practical to minimise visibility.

Condition 15 (construction management plan) - The CMP has been revised to reflect the working hours recommended by SHDC's Environmental Protection Officer. Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the submitted details are satisfactory

Condition 17 (management plan for open space) - The management of the open space shall fall under the remit of a private management company. The proposed maintenance regime appears appropriate.

H08-0744-21

Condition 2 (management and maintenance for landscaping, open space, BCPs and private drives) - The management of the open space, refuse collection points and attenuation pond shall fall under the remit of a private management company. The proposed maintenance regimes appears appropriate. The responsibility for maintaining the private drives will be shared between the owners on each drive.

Condition 4 (footway levels to rear of properties on Boston Road) - These details have been provided and it has been confirmed that the base of the fence to the rear of these properties would sit on the new footway, therefore there should be no overlooking impact to those dwellings.

Condition 5 (lighting for foot and cycle path link to High Street) - The proposed lighting is adequate for the nature of the foot and cycle link.

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 7, 9, 10, 11, 13, 14, 15 & 17 of H08-0678-16 and Conditions 2, 4 & 5 of H08-0744-21 can be discharged.