

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-0389-22 **Applicant:** Mr A Mayer

Proposal: Details of scheme to deal with contamination, construction management plan, levels, landscaping, external materials and meter boxes (Conditions 3, 5, 6, 8, 10 & 11 of H11-0882-21)

Location: Land At Seagate Road Long Sutton Spalding

Terminal Date: 14th June 2022

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

National Guidance

National Planning Policy Framework 2021

Section 9 - Promoting sustainable transport
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
SHDC INTERNAL	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Details of scheme to deal with contamination, construction management plan, levels, landscaping, external materials and meter boxes (Conditions 3, 5, 6, 8, 10 & 11 of H11-0882-21).

Site Description

As original application.

History

H11-1346-21 - Reserved Matters - Erection of 171 dwellings and associated works - outline approval H11-1207-17 (undecided)

H11-0882-21 - Full - Erection of 9 Dwellings (approved February 2022)

H11-1207-17 - Outline - Residential development of approximately 215 dwellings (approved September 2019)

Consultation Responses

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

SHDC Environmental Protection (contaminated land) - Following comments made by email dated 10/6/22 confirming that the northern part of the site will not form part of the garden to plot 1, I recommend discharge of condition 3 of H11-0882-21 in full. However, if in the future the land use of the area in question (access to easement) were to change, further consideration would be required

SHDC Environmental Protection (noise and odour) - No objection to Construction Management Plan

Planning Considerations

Condition 3 (contamination) - SHDC's Environmental Protection Officer has no objection to the submitted details.

Condition 5 (construction management plan and method statement) - The Highway Authority and SHDC's Environmental Protection Officer have no objection to the submitted details.

Condition 6 (existing and proposed levels) - Finished floor levels are to be raised to 3.7m AOD in accordance with the approved FRA, which is around 0.5m-1.0m higher than existing ground levels on the site and the surrounding area more generally. Existing properties most likely to be affected are no. 83 Seagate Road and no. 2 The Cherries due to the proximity to proposed dwellings. Based on the levels indicated in the existing site plan, floor levels to Plot 1 would need to be raised by approx. 500-600mm. Given the height of the dwelling and lack of overlooking windows, it is not considered that it would have a material amenity impact on the dwelling to the north by virtue of raising floor levels. Furthermore, given the separation distance between no. 83 Seagate Road and Plot 9, no adverse impact is anticipated in this regard. Patios are to be 3.55m AOD. The patio to Plot 9 would be around 400-500mm higher than the existing site level and level at the boundary with 83 Seagate Road. The current screening along that boundary is hedging that appears to be around 1.8m - 2.0m in height. Raising the patio level of Plot 9 could therefore lead to some overlooking of the neighbouring garden. Boundary treatment along that side will therefore need to be carefully considered when that condition is to be discharged. The garden area to Plot 1 will be the courtyard and will therefore not overlooking existing neighbouring properties.

Condition 8 (landscaping) - The landscaping proposals are considered to include acceptable species and be of an appropriate layout.

Condition 10 (materials) - The proposed materials are appropriate for the site and its surroundings.

Condition 11 (domestic accoutrements) - Meter boxes to be located on side elevations and virtually all flues and SVPs to be on either side or rear facing roof slopes to minimise visibility.

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 3, 5, 6, 8, 10 & 11 of H11-0882-21 can be discharged.