

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H11-0424-19 **Applicant:** GEDA Construction

Proposal: Details of Condition 4 (estate roads), 5 (surface water drainage), 6 (foul water disposal), 7 (land contamination), 8 (construction management), 9 (landscaping), 10 (landscape management & maintenance), 11 (lighting), 12 (boundary treatment), 13 (external materials), 14 (gas & electricity box) and 16 (Site/floor levels) of H11-0916-16 - Proposed redevelopment of existing haulage yard for 40 dwellings.

Location: Station Road Long Sutton

Terminal Date: 26th June 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework 2019

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 5 Delivering a sufficient supply of homes
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable transport
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise

Representations:

	Object	Support	No Obj.	Comments
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT**Proposal**

Discharge of conditions application - Details of Condition 4 (estate roads), 5 (surface water drainage), 6 (foul water disposal), 7 (land contamination), 8 (construction management), 9 (landscaping), 10 (landscape management & maintenance), 11 (lighting), 12 (boundary treatment), 13 (external materials), 14 (gas & electricity box) and 16 (Site/floor levels) of H11-0916-16 - Proposed redevelopment of existing haulage yard for 40 dwellings.

Site Description

The site is a former haulage depot and yard used by Nene Transport Ltd, accessed from Station Road. The site boundaries consist of the public highway of Station Road to the south, the rear gardens of Garnsgate Road to the west, the rear gardens of Saddlers Way to the north and the park and medical centre to the north-east and east.

There is a two storey former office building to the frontage.

History

H11-0916-16. Proposed redevelopment of existing haulage yard for 40 dwellings. Approved 28-03-19, subject to a S106..

Consultation Responses

SHDC Environmental Health - No objection

SHDC Environmental Protection Officer - Recommends discharge of condition 7i of H11-0916-16, with part ii remaining outstanding.

LCC Highways & SUDS Support

Condition 4 cannot be discharged at this stage. Condition 5 can be discharged.

Environment Agency

Satisfied that Condition 6 (foul water) on application H11-0916-16 can be discharged based upon the Anglian Water report contained within the Drainage Strategy (ref: FW1733/DS/001-v1) dated May 2019.

Anglian Water - no response received.

Planning Considerations

4 (estate roads)

This condition does not require detail submission and is not for discharge.

5 (surface water drainage)

Details are acceptable and can be discharged.

6 (foul water disposal)

Details are acceptable and can be discharged.

7 (land contamination)

Details are acceptable and can be discharged, with part ii remaining outstanding.

8 (construction management)

Scheme is acceptable and can be discharged.

9 (landscaping)

Details are acceptable and can be discharged.

10 (landscape management & maintenance)

Details are acceptable and can be discharged.

11 (lighting)

Details are acceptable and can be discharged.

12 (boundary treatment)

Details are acceptable and can be discharged.

13 (external materials)

Details are acceptable and can be discharged.

14 (gas & electricity boxes)

Details are acceptable and can be discharged.

16 (Site/floor levels)

Details are acceptable and can be discharged.

Conclusion

As set out above, the details are 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 to discharge conditions 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 to discharge conditions 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.