DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H13-0496-20**	**Applicant:**	**Postland Developments Ltd**
Proposal:	Details of Conditions 3 (iii & v), 15, 17, 18, 19, 20 and 22 of H13-0844-17)		
Location:	Chapel Walk Land South Of Roman Road Moulton Chapel		
Terminal Date:	5th November 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Details of Conditions 3 (iii & v), 15, 17, 18, 19, 20 and 22 of H13-0844-17).

Site Description

The site is approximately 2.9 hectares in size and comprises of agricultural land to the rear of properties/businesses on Roman Road and Cekhira Avenue. The part of the site adjoining Roman Road formerly accommodated a commercial vehicle repair business, which has now been demolished. The former village playing field is to the east, there are fields to the south and a Grade II Listed Mill is to the north-west.

History

H13-0229-21 - Details of storage & disposal of refuse & recycling (Condition 12 of H13-0844-17) (undetermined)

H13-1148-20 - Details of reserved matters for schedule of materials and landscaping and tree planting - outline approval H13-0844-17 (approved March 2021)

H13-1107-20 - Details of landscaping and tree planting, boundary treatment, public open space & landscape management (Conditions 8, 9, 10 & 11 of H13-0844-17) (approved March 2021)

H13-0858-20 - Details relating to contamination (Condition 13 of H13-0844-17) (undetermined)

H13-0370-19 - Details Relating to Archaeology (Condition 5 of H13-0844-17) (approved April 2020)

H13-1096-19 - Reserved matters application for residential development - comprising 58 dwellings and associated works - outline approval H13-0844-17 (approved February 2020)

H13-0844-17 - Outline application for proposed development of up to 58 houses with vehicular access (garages to be removed) (resubmission of H13-1280-16) (approved October 2018)

Consultation Responses

LCC Highways/SUDS - Does not wish to restrict the grant of permission. The highway authority has now issued technical approval for the design of the adoptable roads and footways on this development. The details submitted in respect of Conditions 18 and 19 of H13-0844-17 are acceptable. There will be an on-going requirement to comply with Condition 15. Compliance with Condition 17 will be achieved only when the engineering works required by this Condition are satisfactorily completed on the ground. Conditions 20 and 22 relate to matters that are outside of the remit of the highway authority.

Anglian Water - The proposed foul drainage strategy (2351-15 S104 Layout, 2351-16 Proposed Drainage Plan 1-3) is acceptable, as such we can recommend that Conditions 3 and 20 are discharged.

SHDC Environmental Protection (contaminated land) - None of the information submitted relates to the pre-commencement land contamination Condition 13 of H13-0844-17, which as far as I am aware remains outstanding.

SHDC Environmental Protection (noise) - No objection.

Planning Considerations

Condition 3 (iii & v) (Foul and surface water disposal & existing and proposed site levels and FFLs) - Anglian Water have no objection to the submitted details relating to foul drainage. The approved flood risk assessment recommends that finished floor levels be set no lower than 2.90m. All proposed FFLs are either 3.00m or 3.15m AOD and are therefore in accordance with this recommendation. External levels would be 2.85m which would mean that ground levels would not be raised significantly (generally around 200-300mm). Levels along the northern boundary range between 2.5m and 2.8m meaning there there should not be any detrimental impact in terms of overlooking from the gardens of properties. Boundary treatments will be the subject of a separate condition compliance application.

The Lead Local Flood Authority have no objection to the submitted technical details relating to surface water drainage.

Condition 15 (Highway and footway specification) - The Highway Authority have no objection to the

submitted details.

Condition 17 (Finished surface levels of highway and footway) - The Highway Authority have no objection to the submitted details.

Condition 18 (Street lighting) - The Highway Authority have no objection to the submitted details.

Condition 19 (Surface water drainage) - The Lead Local Flood Authority have no objection to the submitted technical details.

Condition 20 (Foul water drainage) - Anglian Water have no objection to the submitted details.

Condition 22 (Existing and proposed site levels and FFLs) - As Condition 3 above.

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 (iii & v), 15, 17, 18, 19, 20 and 22 of H13-0844-17 can be discharged.