

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H14-0471-20 **Applicant:** Melbourne Holdings Ltd.

Proposal: Details of Conditions 8, 9, 12, 13, 14, 18, 23, 24, 27, 29 and 32 of H14-0956-16

Location: Land Off Spalding Road Pinchbeck Spalding

Terminal Date: 25th December 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

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
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of Conditions 8, 9, 12, 13, 14, 18, 23, 24, 27, 29 and 32 of H14-0956-16.

Site Description

The site in question is a former greenfield site with the northern end being partially within the Pinchbeck Conservation Area, including protected trees. There is a Grade II Listed Building (Otway House) to the north-east, screened by mature trees/bushes. There is mature hedging on the boundary to the west of the site with Spalding Road beyond. There is an open boundary to the south with properties beyond separated by an open drain.

History

H14-0616-19 - Details of Conditions 4, 5, 7, 19, 22, 26, 27, 28, 29, 30 and 34 of H14-0956-16 (approved August 2019)

H14-0956-16 - Full application for proposed residential development of 10 dwellings (approved January 2019)

Consultation Responses

LCC Historic Environment Officer - These conditions do not appear to relate to the archaeological requirements (Conditions 4, 5 & 6) and on this basis we do not have any comments to make.

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

SHDC Conservation Officer - Having spoken to the applicant and discussed the brick panels presented, I can confirm that the panel which presents the use of white cement is more appropriate than that which uses lime mortar; this is due to the white mortar being more in line of the requirements of the original condition that suggested that the mortar should be 'buff' in colour. I wish to raise no further concerns or objections to any of the details presented for discharging of conditions.

Planning Considerations

Condition 8 (materials schedule) - All dwellings proposed to be constructed of Chelsea Smoked Red Facing brick. Natural slate roof tiles are proposed for all properties. Driveways are proposed to be charcoal block paving, with paths being buff block paving. Adopted road is to be tarmac. SHDC's Conservation Officer has no objections to the submitted materials schedule and has advised that their preference is for the white mortar used in the brick panel.

Condition 9 (brick panel) - No objections raised by Conservation Officer to submitted details.

Condition 12 (door details) - No objections raised by Conservation Officer to submitted details.

Condition 13 (window details) - No objections raised by Conservation Officer to submitted details.

Condition 14 (roof light details) - No objections raised by Conservation Officer to submitted details.

Condition 18 (domestic accoutrements) - All meter boxes for utilities to be on side elevations. Vent tiles to be used where relevant.

Condition 23 (boundary treatments) - Close boarded fences at the rear of properties between dwellings (1.8m high) is proposed. This would be satisfactory in visual terms and sufficient to prevent overlooking bearing in mind the proposed finished floor levels and site levels. The existing hedge along the western boundary of the site shall be retained as per Condition 34 of the original approval. The access point that currently exists through the hedge will be filled with species to match the existing hedge.

Condition 24 (external illumination of buildings) - Stainless steel sconce lighting to be positioned either side of all front, rear and bi-fold doors. Street lighting to be designed in accordance with LCC standards.

Condition 27 (surface water drainage scheme) - The applicant is seeking to discharge this condition

again as the northern of the two lagoons has been removed as it is not required. The general principles of drainage remain the same as previously approved however.

Condition 29 (existing and proposed levels) - The applicant has submitted a revised Flood Risk Assessment under application ref. H14-0473-20 which recommends finished floor levels can be set at 3.225m ODN. This remains in accordance with the requirements of the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) when taking into consideration existing site levels and likely flood depths, and the Environment Agency have raised no objection to the proposed revised levels. FFLs are proposed to be exactly 3.225m ODN with patio areas at 150mm below FFL. Gardens will be graded from this into existing levels, which are no more than 400mm lower than proposed patio level. The difference in levels is less than this for the majority of plots and given the size of the plots any difference is unlikely to be particularly noticeable. In the context of this, the proposed levels are considered acceptable.

Condition 32 (protection of trees during development) - This is a condition that is discharged through the construction process.

The above details are considered to be appropriate in the context of Policies 2, 3, 4 and 29 of the South East Lincolnshire Local Plan (2019).

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 8, 9, 12, 13, 14, 18, 23, 24, 27, 29 and 32 of H14-0956-16 can be discharged.