

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H14-0616-19 **Applicant:** Melbourne Holdings Ltd
Proposal: Details of Conditions 4, 5, 7, 19, 22, 26, 27, 28, 29, 30 and 34 of H14-0956-16
Location: Land Off: Spalding Road Pinchbeck Spalding
Terminal Date: 14th August 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

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 15 - Conserving and enhancing the natural environment
 Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
LOUISE JENNINGS HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an application to discharge Conditions 4, 5, 7, 19, 22, 26, 27, 28, 29, 30 and 34 of H14-0956-16 (proposed residential development of 10 dwellings on land off Spalding Road, Pinchbeck).

Site Description

The site in question is greenfield grassland in nature and the northern end partially within the Pinchbeck Conservation Area, including protected trees. There is a Grade II Listed Building (Otway House) to 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

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

Consultation Responses

LCC Historic Environment Officer - The archaeological specification fulfils the requirements of this section and I have been notified of work beginning. I am happy to recommend discharge of conditions 4 and 5.

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

Lincs Fire and Rescue - Confirms that condition 30 for the installation of a fire hydrant can be discharged.

Anglian Water - No objections.

SHDC Environmental Protection - Recommends discharge of Condition 7 of H14-0956-16. No objection to construction management details.

SHDC Trees and Nature Conservation Officer - No objections.

Planning Considerations

Condition 4 (Written Scheme of Investigation) - LCC's Historic Environment Officer has no objections to the archaeological specification submitted.

Condition 5 (Archaeology) - Commencement of archaeological works noted.

Condition 7 (Contaminated land) - SHDC's Environmental Protection Officer recommends discharge of this condition based on the details submitted.

Condition 19 (Large details of eaves, chimneys, verges and parapets) - These details are considered acceptable.

Condition 22 (Landscaping) - The proposed landscaping scheme is considered appropriate for the site, with the retention of visually important trees/hedging around the site and the introduction of new trees within the site.

Condition 26 (Construction management plan) - SHDC Environmental Protection have not objected to the submitted construction management details.

Condition 27 (Surface water drainage) - LCC - as Lead Local Flood Authority - have no objections to the proposed surface water drainage strategy.

Condition 28 (Foul water drainage) - Anglian Water are satisfied with the proposed foul water drainage mechanism.

Condition 29 (Site levels) - Submitted details are acceptable.

Condition 30 (Fire hydrant installation) - Lincs Fire and Rescue have no objection to the submitted details.

Condition 34 (Maintenance measures for hedge) - SHDC's Tree Officer considers that the proposed maintenance measures 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 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 4, 5, 7, 19, 22, 26, 27, 28, 29, 30 and 34 of H14-0956-16 can be discharged.