DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H15-0742-19**	**Applicant:**	**Broadgate Homes**
Proposal:	Details of existing and proposed site levels and proposed floor levels, finished surface levels, estate road phasing, maintenance and management plan and design and position of external boxes, gas flues and soil vent pipes (Conditions 7, 8, 9, 11 and 12 of H15-0563-18)		
Location:	Casswell Drive Quadring Spalding		
Terminal Date:	24th September 2019		

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	1	0

CASE OFFICER ASSESSMENT

Proposal

This is an application to discharge Conditions 7, 8, 9, 11 and 12 (details of existing and proposed site levels and proposed floor levels, finished surface levels, estate road phasing, maintenance and management plan and design and position of external boxes, gas flues and soil vent pipes) of H15-0563-18 (residential development - 9 dwellings on land off Casswell Drive, Quadring).

Site Description

The site is currently agricultural land situated to the rear of properties fronting onto Casswell Drive

and Town Drove.

The majority of the western boundary comprises of tall hedging and trees with close boarded fencing towards the north. There is short chain link fencing along the northern boundary. The eastern and southern boundaries are open.

Existing dwellings on Casswell Drive and Town Drove which adjoin the site are all detached, but there is a mixture of bungalows and two-storey properties.

There is a small burial ground within the north eastern corner of the site.

Electricity cables run diagonally on the northern part of the site.

History

H15-0617-19 - Details relating to contamination and written scheme of investigation for archaeological works (Conditions 3 and 4 of H15-0563-18) (approved July 2019)

H15-0563-18 - Full application for residential development - 9 dwellings (approved May 2019)

Consultation Responses

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

Planning Considerations

Condition 7 (existing and proposed levels) - The finished floor levels of all proposed dwellings are to be at least 300mm above the existing ground level in accordance with the approved FRA. Site levels would be raised more towards the south of the site than the north but this is where the bungalows are to be located.

Condition 8 (estate road junction levels) - The Highways Authority have not objected to the submitted details.

Condition 9 (estate road phasing and completion plan) - The Highways Authority have not objected to the submitted details.

Condition 11 (management of landscaping, incidental open space, refuse/recycling collection points and private drives) - The main estate road and SUDS are to be adopted by LCC. Plots 5, 7, 8 and 9 are to be responsible for parts of the private drive. The owner of Plot 5 is to be responsible for the upkeep of the refuse collection point and the applicant has advised that this will be made clear in their conveyance drawing. Quadring Parish Council are to be responsible for the burial ground and path to the north/north-east of the site.

Condition 12 (meter boxes, vent pipes and flues) - Following the submission of revised plans, meter boxes are now on the side facing elevations of all plots except plots 1, 2 and 3 where they remain on the front. The applicant has advised that this is because there is a requirement for the consumer unit and meter for the PV panels to be located directly behind the meter. In the case of plots 1, 2 and 3 the hall is central with reception rooms either side at the front. To site the electric meter to the side elevations on these plots would result in a number of components in prominent view within one of these reception rooms. Inevitably clients pick up on these and ask for them to be moved somewhere else. Sun pipes on plots 5 and 8 have been moved from the north facing (front) roof slope to the south facing (rear) roof slope.

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

The above details are considered to be an acceptable approach to Conditions 7, 8, 9, 11 and 12 of H15-0563-18 and these can therefore be discharged.