DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H15-0894-22**	**Applicant:**	**Stinders Homes S P V 1 Ltd.**
Proposal:	Details of scheme to deal with contamination, written scheme of archaeological investigation, management & maintenance schedule for areas of landscaping, incidental open space, refuse/recycling collection points & parking courts/private drives, scheme of construction management and existing & proposed site levels & proposed site levels & floor levels of buildings, hard surfaced areas & garden amenity areas (Conditions 3, 5, 10, 11 & 13 of H15-0014-22)		
Location:	Land Adj. To Crossroads Nurseries Main Road Quadring		
Terminal Date:	3rd February 2023		

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 2021

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
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Details of scheme to deal with contamination, written scheme of archaeological investigation, management & maintenance schedule for areas of landscaping, incidental open space, refuse/recycling collection points & parking courts/private drives, scheme of construction management and existing & proposed site levels & proposed site levels & floor levels of buildings, hard surfaced areas & garden amenity areas (Conditions 3, 5, 10, 11 & 13 of H15-0014-22).

Site Description

As original application, except development has now commenced.

Relevant History

H15-0014-22 - Full - Erection of 59 dwellings & associated works (approved September 2022)

H15-0942-20 - Reserved Matters - Residential Development of 9 dwellings - Phase 1 (Outline approval H15-1207-18) (approved January 2021)

H15-1207-18 - Outline - Residential development - up to 60 dwellings (approved September 2019)

Consultation Responses

LCC Historic Environment Officer - This office can confirm that it would be acceptable for Condition 5 of permission H15-0014-22, for the written scheme of archaeological investigation, to now be discharged.

LCC Highways/SUDS - No objection. The submitted Construction Management Plan details are mainly site safety plans, however there is included within them, a fairly rudimentary site plan showing where site vehicles will be parked, where materials will be stored, where site accommodation will be and where the wheel washing facility will be. Provided the site is operated in accordance with that plan, then the impact the construction phase of the Consented development will have on the safe operation of the adjacent public highway will be acceptable. The highway authority does not therefore wish to object to the discharge of the listed Conditions.

SHDC Environmental Protection (contaminated land) - I have reviewed the AF Howland Associates report 'A Phase 1 Land Contamination Assessment Carried Out at: Crossroads Nursery, Quadring, Lincolnshire PE11 4PJ' Ref CPJS/21.320/Phase1 Dated 19th October 2021 and in general agreement with the findings. I therefore recommend discharge of conditions 3 & 4 of H15-0014-22.

SHDC Environmental Protection (noise and odour) - No objection to construction management plan.

Welland and Deepings Internal Drainage Board - My previous comments reference: CS/JP/P/Q/3, dated 20th March, made under full planning application still stand.

Planning Considerations

Condition 3 (contaminated land scheme) - SHDC's Environmental Protection Officer has raised no objection to the submitted assessments and has recommended discharge of this condition.

Condition 5 (WSI) - LCC's Historic Environment Officer has raised no objection to the submitted Written Scheme of Archaeological Investigation and has recommended discharge of this condition.

Condition 10 (management/maintenance of landscaping etc.) - A management company will be responsible for the management and maintenance of the open spaces and the private shared drives. All other areas would be the responsibility of plot owners or the Highway Authority. The maintenance schedule is considered appropriate.

Condition 11 (construction management plan) - No objection has been raised to the submitted Construction Management Plan from the Highway Authority or Environmental Protection at SHDC. This condition can therefore be discharged.

Condition 13 (existing and proposed levels) - Condition 14 of H15-0014-22 requires finished floor levels to be set at least 300mm above existing ground level, which equates to a minimum of 3.4m OD. Finished floor levels of the proposed dwellings would be no more than 200mm higher than the level at the boundary with any existing dwelling. The boundary treatment condition is still outstanding, but if 2.0m high fencing were to be installed at the boundaries, this would be sufficient to prevent any overlooking and raising by 200mm is not such a level that would create a material overbearing or overshadowing impact.

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

In light of the above, it is considered that Conditions 3, 5, 10, 11 & 13 of H15-0014-22 can be discharged.