

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0197-19 **Applicant:** Burmor Construction Ltd

Proposal: Details of Conditions 3 (contamination of land or pollution of controlled waters), 4 (external materials of construction), 5 (external boxes for gas and electricity supplies and of any gas flues and soil vent pipes), 8 (landscape management and maintenance schedule), 9 (means of storage and disposal of refuse and recycling), 10 (construction management to minimise disturbance during the construction process), 11 (prevent the deposit of mud on public highways), 15 (surface water drainage scheme), 16 (design and location of all lighting) & 17 (existing and proposed site levels and proposed floor levels) of H16-0283-17

Location: Land Off Willow Walk Spalding Lincs

Terminal Date: 26th April 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
05	Meeting Physical Infrastructure and Service Needs
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
18	Affordable Housing
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
APPENDIX 6	Parking Standards
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework 2019

NPPF 2019

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 5 Delivering a sufficient supply of homes
Section 8 Promoting healthy and safe communities
Section 11 Making effective use of land
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	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT**Proposal**

Details of Conditions of H16-0283-17. Permission was granted on 30-07-18.

3 (contamination of land or pollution of controlled waters),
 4 (external materials of construction),
 5 (external boxes for gas and electricity supplies and of any gas flues and soil vent pipes),
 8 (landscape management and maintenance schedule),
 9 (means of storage and disposal of refuse and recycling),
 10 (construction management to minimise disturbance during the construction process),
 11 (prevent the deposit of mud on public highways),
 15 (surface water drainage scheme),
 16 (design and location of all lighting)
 17 (existing and proposed site levels and proposed floor levels)

Since original submission further details of clarification regarding land contamination have been submitted and considered.

Site Description

The site area is 0.46 ha, amounting to a density of 43 dwellings to the hectares. The site is brownfield in nature and surrounded on all sides by existing properties at Willow Walk, High Street, Osier Road and Rutland Close. There is a single adopted access road from Willow Walk.

The site is located in Flood Zone 3

History

H16-0283-17. Residential development of 20 dwellings. Approved 30 July 2018.

H16-1218-18. Residential Development of 20 Dwellings - approved under H16-0283-17.
 Modification of Condition 2 to allow amendments to previously approved plans and Conditions 13 and 14 relating to commencement/occupation of dwellings in conjunction with roads and footpaths. Approved 6 March 2019.

Consultation Responses

LCC SUDS

No objection.

SHDC Environmental Services.

Additional information was sought and received. As a result, raise no objection.

South Holland Internal Drainage Board

No response received.

Anglian Water

No response received.

Third Parties

Inadequate parking on the plans for the housing development. Most houses will have 2 cars, yet there are only 1 parking space per property.

Provision of an access path to rear gardens that would also give potential access to existing property garden.

Affordable housing should be for key workers

Officer Note - these matters relate to issues of principle, housing allocation and layout matters that have been approved via earlier applications, so can be given very little weight.

Considerations

It is considered that the details submitted to discharge the conditions above are acceptable.

It is not considered that the matters raised by third parties relate to issues dealt with by these conditions. If any third party wishes to challenge the earlier decisions such mechanisms were and are available via Judicial Review processes.

Additional Considerations

Public Sector Equality Duty

In making your decision you 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 is only one factor that needs to be considered, and may be balance against other relevant factors.

It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making your decision, you 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.

You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission 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 interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Details are acceptable.