

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0692-22 **Applicant:** Mr Wilson

Proposal: Details of scheme to deal with boundary treatments, means of foul water disposal and storage & disposal of refuse & recycling (Conditions 6, 16 & 19 of H16-0193-19) - re-submission of H16-0254-21

Location: Land South East Of Littleworth Drove Lucks Bridge

Terminal Date: 31st December 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
06	Developer Contributions
11	Distribution of New Housing
19	Rural Exception Sites
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Condition Compliance. Details of scheme to deal with boundary treatments, means of foul water disposal and storage & disposal of refuse & recycling (Conditions 6, 16 & 19 of H16-0193-19).

The application has been revised since submission to withdraw one conditional matter.

Site Description

As host consent.

History

H16-1179-20. RESERVED MATTERS. Erection of 9 dwellings - outline approval H16-0193-19. Under consideration.

H16-0710-22. SEC 73 MODIFICATION. SEC 73 MODIFICATION. Under consideration.

H16-0263-21. SEC 73 MODIFICATION. Residential Development 9 x 1.5 storey houses - approved under H16-0193-19. Removal of Conditions 13, 14 and 15 relating to access roads and drainage. REFUSED. 29-07-21.

H16-0254-21. CONDITION COMPLIANCE. Details of scheme to deal with contamination, boundary treatment, means of foul water disposal and storage and disposal of refuse and recycling (Conditions 4, 6, 16 and 19 of H16-0193-19). REFUSED. 29-07-21.

H16-0193-19. SEC 73 MODIFICATION. Residential development - 9 x 1.5 storey houses - approved under H16-0621-17 - Removal of Condition 4 to remove the 1.000 square metre floor space element of the condition. Approved. 23-04-19.

H16-0621-17. Residential development - 9 x 1.5 storey houses. Approved. 11-01-18.

Consultation Responses

SHDC Environmental Protection

Additional information required to discharge condition 4.

LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that as the matters covered within this Application do not fall within the jurisdiction of the Authority no objection is raised to the Application.

Welland and Deepings Internal Drainage Board

Need for a nine metre bylaw strip and gated access.

Technical details of discharge of surface water to be submitted to the IDB.

Planning Considerations

U]Condition 6 - Details of Boundary Treatment

Prior to its installation, details of the proposed boundary treatment, including a schedule of materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan 2019.

The boundary treatments proposed are considered to be adequate.

Condition 16 - Foul Drainage Details

Before the commencement of the development hereby granted, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained and to avoid pollution.

This Condition is imposed in accordance with Policies 2 and 3 South East Lincolnshire Local Plan 2019.

The foul drainage details are considered to be adequate.

Condition 19- Details of Refuse Storage

Details of the means of storage and disposal of refuse and recycling shall be submitted to and be approved by the Local Planning Authority and the development shall not commence in advance of that approval. The approved scheme shall be fully implemented and thereafter be retained.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policies 2 and 3 South East Lincolnshire Local Plan 2019.

The submitted details, including sample documents, are considered to be adequate.

Conclusion

Approve.

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.