DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H17-0105-19**	**Applicant:**	**Seagate Homes Ltd**
Proposal:	Details of conditions 5, 7, 14, 15, 17 & 18 of H17-0510-18		
Location:	Land Off Station Road Surfleet Spalding		
Terminal Date:	24th May 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
30	Pollution

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	1	0
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an application to discharge Conditions 5, 7, 14, 15, 17 & 18 of H17-0510-18 (residential development of approximately 30 dwellings on land off Station Road, Surfleet).

Site Description

The site is currently agricultural land which lies between properties on Kingfisher Drive and Surfleet Reed Bed, which is a Parish Nature Site. There is an existing independent access onto the site from Station Road.

There is an existing fence along the western boundary which runs the length of Kingfisher Drive, with some trees interspersed. The northern boundary is open, but the eastern and southern boundaries are well treed.

The site is within the settlement boundary for Surfleet in the South East Lincolnshire Local Plan (2019).

History

H17-0562-16 - Outline application for residential development of approximately 30 dwellings (approved 5th September 2016)

H17-0429-18 - Reserved matters application for erection of 32 dwellings (approved 20th August 2018)

H17-0510-18 - S73 application to amend affordable housing requirement (approved 6th December 2018)

Consultation Responses

SHDC Environmental Protection - I have reviewed the GeoDyne 'Station Road Surfleet Combined Phase I Desk Study & Phase II Exploratory Investigation for Seagate Homes' Project No. D38083 dated 25/10/2018 and recommend discharge of condition 7 of H17-0510-18 in full. No objection to submitted Construction Method Statement.

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

Planning Considerations

Given the consultation responses received it is considered that the submitted information in respect of Conditions 7 (contaminated land) and 14 (construction management) is acceptable.

The proposed means of dealing with mud on the highway and the management plan for general planting (landscaping), public open space, refuse/recycling collection points and parking courts are appropriate.

A mixture of 1.8m close board fencing, 1.8m timber panel fencing, 1.8m wall and 1.2m horizontal estate railings are proposed as boundary treatments. These are considered to be acceptable.

Conclusion

Overall, it is considered that the information submitted to satisfy 5, 7, 14, 15, 17 & 18 of H17-0510-18 is acceptable and that the conditions can be discharged in this instance.

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 to grant permission 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 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 public 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.