

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H17-0328-19 **Applicant:** Seagate Homes Ltd

Proposal: Details of scheme to construct footway, estate road, surface water drainage, waste and foul water strategy (Conditions 8, 10, 11, 12 and 13 of H17-0510-18)

Location: Land Off: Station Road Surfleet Spalding

Terminal Date: 18th December 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
30	Pollution

National Guidance

National Planning Policy Framework 2019

Section 9 - Promoting sustainable transport
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
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of scheme to construct footway, estate road, surface water drainage, waste and foul water strategy (Conditions 8, 10, 11, 12 and 13 of H17-0510-18).

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

H17-0330-19 - Details of Affordable Housing (Condition 6 of H17-0510-18) (approved December 2019)

H17-0026-19 - Erection of 32 dwellings - outline approval H17-0510-18 and resubmission of H17-0429-18 (approved May 2019)

H17-0105-19 - Details of conditions 5, 7, 14, 15, 17 & 18 of H17-0510-18 (approved May 2019)

H17-0510-18 - Residential development of approximately 30 dwellings approved under H17-0562-16 - Modification of Condition 6 relating to affordable housing (approved December 2018)

H17-0429-18 - Erection of 32 dwellings - Outline permission H17-0562-16 (approved August 2018)

H17-0562-16 - Residential development of approximately 30 dwellings (approved September 2019)

Consultation Responses

Anglian Water - No objections.

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 8, 10, 11, 12 and 13 of H17-0510-18 is acceptable.

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 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 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 is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Taking the above into account it is considered that Conditions 8, 10, 11, 12 and 13 of H17-0510-18 can be discharged.