

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H17-0811-22	Applicant:	Ashley King Developments Ltd
Proposal:	Details of archaeological investigation, flood risk assessment and drainage strategy measures, proposed boundary treatments, publicly accessible open space, protected species report, open space management plan, storage and disposal of refuse and recycling, protection of trees, protection of existing hedge, swift nest bricks/boxes, external materials, Sunnydale Close access, gas and electricity external boxes, construction management, estate road phasing and completion plan, surface water disposal and design & location of road/footpath lighting. (Conditions 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of H17-1187-21)		
Location:	Land Off Sunnydale Close Surfleet Spalding		
Terminal Date:	20th January 2023		

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
05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
12	Reserve Sites
17	Providing a Mix of Housing
18	Affordable Housing
19	Rural Exception Sites
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
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 2021

Sections:

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	1	0
WARD MEMBER	0	0	0	0
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
OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	2	0	1	2

CASE OFFICER ASSESSMENT

Proposal

CONDITION COMPLIANCE. Details of archaeological investigation, flood risk assessment and drainage strategy measures, proposed boundary treatments, publicly accessible open space,

protected species report, open space management plan, storage and disposal of refuse and recycling, protection of trees, protection of existing hedge, swift nest bricks/boxes, external materials, Sunnysdale Close access, gas and electricity external boxes, construction management, estate road phasing and completion plan, surface water disposal and design & location of road/footpath lighting. (Conditions 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 of H17-1187-21).

The application has been revised since submission and up to date biodiversity information provided as well as other matters included within the construction management plan and a mown footpath removed from the landscaping plan.

Condition 5, requiring report submission regarding archaeology was withdrawn from the application and will need to be discharged formally at a later date.

Site Description

As host consent, although certain archaeological works have taken place.

Relevant history

H17-1187-21. FULL. Residential Development of 48 dwellings with associated garages, roads and sewers. APPROVED 06-07-22.

Consultation Responses

Surfleet Parish Council

No Observations.

SHDC Environmental Protection

Working times should not exceed 7.30-18:00, with no working beyond 13:00 on Saturday, no Sunday working
All vehicle noise and equipment should be kept to minimum to protect amenity of nearby residents. Suitable measures should be in place to manage dust levels during periods of dry weather no burning permitted on site.

SHDC Environmental Services

No response.

SHDC Conservation Assistant (Tree Preservation)

Response of 7 October 2022

Biodiversity Plan 118-BDP-01 - Depending on the future of the adjoining land, could potentially require south eastern hedgehog box re-situating. All hedgehog boxes must be as far as possible from roadways.

Could see no evidence of:

'Precautionary measures have been advised in order to protect amphibians during the construction phase of the development. It has also been recommended that amphibian friendly kerbs are installed as part of the development.'

'It is also recommended that any kerbs adjacent to gully grating which are installed as part of works to construct access roads onto the site are amphibian-friendly. Wildlife kerbs, such as those produced by ACO (see www.aco.co.uk/products/wildlife-kerb), will reduce the risk of amphibians and other small animals falling through the gully grates by providing a safe, alternative route around gully pots.'

As advised in 'PRELIMINARY ECOLOGICAL APPRAISAL AND BIODIVERSITY NET GAIN FEASIBILITY ASSESSMENT'. Amphibian friendly kerbs.

Tree Protection Plan 118-TP-01. In enlarged section of plan, tree above that with Sub Station written beneath its canopy.

Appears to have a footway constructed within the Root Protection Area.

Is this a new footway? Can it be constructed so as to cause minimum disturbance to tree roots, using as much as possible 'No dig' methods. Presumably it will be maintained as part of the public Highway? If the advice of a suitably qualified arboriculturalist is sought at this stage in conjunction with Highway requirements, the path should be able to be constructed: a. To cause minimum disturbance to tree roots and b. To take into account the growth of the tree roots so as the pavement is not damaged by the tree roots in the ensuing years. Potentially a 'Win, win situation.

Landscaping plans. Can guess species, but could not immediately find a list/key of tree species to be certain.

Landscape Maintenance Schedule. Ideally watering in dry conditions should be carried out for at least the first two years. Trees may require protection from damage from mammals such as rabbits, field voles and humans with strimmers. Tree guards will need monitoring and eventual removal as part of long-term maintenance.

LCC Highways & SUDS Support

Response of 1 September 2022

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 the submitted details meet the requirements of those Conditions that concern highway and surface water drainage matters and therefore does not wish to object to this planning application.

Update of 1 Sept 2022 - the Authority has received no reports of internal flooding of properties in the vicinity of this Application Site. I did also forward your e-mail to Craig at Welland and Deeping Internal Drainage Board, to enquire if they had received any reports of flooding, but I have not yet received anything back from him.

For your information, the drainage strategy for the proposed development includes SuDS components, in the form of swales and a sub-surface balancing tank, that will manage both the quality of the surface water coming off the impervious areas within the proposed development and, by means of a hydrobrake, the rate that the surface water is to be discharged into the IDB-maintained Woods Lane Drain during heavy storm events. This should actually reduce the likelihood of overland flows of water from heavy storms after prolonged periods of drought, such as that which occurred recently, surcharging the local watercourse network.

Response of 1 September 2022 as result of specific concerns in Woods Lane

The Authority has received no reports of internal flooding of properties in the vicinity of this Application Site. The drainage strategy for the proposed development includes SuDS components, in the form of swales and a sub-surface balancing tank, that will manage both the quality of the surface water coming off the impervious areas within the proposed development and, by means of a hydrobrake, the rate that the surface water is to be discharged into the IDB-maintained Woods Lane Drain during heavy storm events. This should actually reduce the likelihood of overland flows of water from heavy storms after prolonged periods of drought, such as that which occurred recently, surcharging the local watercourse network.

Response of 28 November 2022

It can be seen from the sections through the edges of the development that this is another site that is to be raised above adjacent existing development - presumably to mitigate against fluvial/coastal flood risk.

Whilst the purpose of producing these drawings is presumably to illustrate any potential for the new properties to overlook existing neighbouring properties, they also highlight the potential for surface

water run-off to be cast from the development onto what will become lower-lying neighbouring properties.

We, and the IDB, are aware of recent flooding to some of those properties, along Wood's Lane.

It is therefore requested that physical measures are put in place, wherever the development abuts existing residential properties, to intercept and dispose of any surface water run-off so that the development does not increase surface water flood risk to those neighbouring properties.

Response of 13 December 2022

Thank you for your notification of receipt of amended details for this Application that show the arrangements to be put in place for the interception of any boundary surface water run-off from the proposed development to prevent it being cast onto existing residential properties adjacent to the site. I can confirm approval of these proposals on behalf of the lead local flood authority.

LCC Historic Environment Officer

The written scheme of archaeological investigation (WSI) submitted meets the requirements of this office in respect of Condition 3. We also received due notification of the work commencing so Condition 4 has also been met. However, the final report on the archaeological excavations has not been provided and remains outstanding. Therefore Condition 5 has not yet been complied with. Only conditions 3, and 4 can therefore be discharged at the present time. In order to comply with Condition 5 this will require the final report to be submitted for approval, and the deposition of the paper and material archive at a suitable museum.

Welland and Deepings Internal Drainage Board

No objections or comments to make.

Anglian Water

Surface Water Comments: AHL-1583-01-DR-005 P3 Section 104 Layout Drawing shows surface water does not connect to an existing public surface water sewer - Anglian Water have no comments to make on condition 20 thereon.

Lincolnshire Wildlife Trust

Response received on 5 September 2022 - There is an opportunity with this application to create a nature-friendly development that retains existing hedgerows, trees. Swales and ponds could be created which together with wildlife-friendly gardens, verges, amenity green space and flood management can provide homes for nature as well as people. The result could be a network of natural green and blue corridors around and through the development, and beyond into the surrounding urban and rural landscape contributing to the wider ecological network of South Holland.

Having reviewed the Preliminary Ecological Appraisal and Biodiversity Net Gain Feasibility Assessment from Inspired Ecology as well as conducting our own desk study it is clear that there are protected and priority species within a 2km radius of the proposed development site.

Within a 2km radius of the site is a SSSI in the form of Surfleet Lows which, despite being only 500m from the site, the appraisal document states is a 'significant distance' from the site. They conclude therefore that no adverse effects will be felt as a result of the development. The Trust disagrees with this conclusion as over 50 bird species have been recorded on this site and are likely to feel the effects of the disturbance that the development will bring.

Also within a 2km radius of the proposed site are four Local Wildlife Sites, a Local Wildlife Trust Reserve and three priority habitats. Again, the appraisal document concludes that these are a significant distance away from the site and so will not be adversely affected. The Trust must again disagree with this conclusion and ask to see more evidence of how all phases of the development process will mitigate the adverse effects that it will bring on these habitats and associated species.

The Ecological Appraisal references a walkover survey in which it was concluded that no water vole presence can be established as there were no signs of water voles during this survey. Water vole

have consistently been recorded within 2km of the site for some time and were most recently recorded in 2021. Moreover, this walkover survey occurred in November which is not the time to survey for water vole. The Trust therefore recommends that another survey is undertaken by a qualified ecologist at a more appropriate time of year, namely between April and September.

The date of the walkover survey also means that the floral species present will have been drastically undervalued, a fact that is recognised in the report but to which a resolution is not suggested. We would again recommend that the site is surveyed by a qualified ecologist at a more appropriate time of the year.

These suggested surveys, and any further ecological surveys, should be UKHabs surveys rather than Phase 1 habitat surveys. UKHabs surveys are what will be used to calculate the baseline for the Biodiversity Net Gain requirements and so we recommend starting to use this methodology as early as possible in the planning process.

Lincolnshire Wildlife Trust, therefore expects to see that:- UKHabs surveys are conducted - A 10% net gain in biodiversity assessment is made using DEFRA Biodiversity Metric 3.0 - Mitigation measures for the adverse effects that will result due to the proximity of the proposed development site to protected and priority species and habitats are detailed.

Response received on 7 October 2022 - The amended biodiversity plan provided does not address the concerns raised in the initial response made by the Trust to the application, therefore many of our original concerns have not changed.

No mitigation measures have been outlined for the adverse effects the proposed development would have on the SSSI Surfleet Lows which is only 500m from the site. This is also true of the four Local Wildlife Sites within a 2km radius of the centre of the proposed development site.

There has been no further comment in the amendment of water voles, which have been recorded within 2km of the site as recently as 2021. The walkover survey that is referenced in the Preliminary Ecological Appraisal is not sufficient to conclude that there are no water voles on site as this was conducted at an inappropriate time of year to detect water vole presence.

The amended plans do not account for undervaluing of the floral species present on the proposed development site. This was raised as a cause for concern in both the Preliminary Ecological Appraisal commissioned by the applicant as well as in the Trusts response to the application.

We would like to see the following completed before biodiversity conditions are considered to have been met:

- Mitigation measures against the adverse effects on the nearby SSSI and four Local Wildlife Sites are detailed
- Water vole surveys are conducted at an appropriate time of year (April-September), and that if water vole presence is established then mitigation measures are detailed
- Botanical surveys are conducted at an appropriate time of year and results incorporated into the biodiversity plan

Response received on 9 December 2022 - disappointed to see that no additional biodiversity documents have been submitted since the applicant last applied to discharge the biodiversity condition. The Trust therefore still do not consider the biodiversity condition fulfilled and many of our concerns in our initial response to this application have not been addressed.

A "nil response" sent on 13 December to most recent amendments.

Third Parties

Objections and comments have been received to the original and revised details, raising the following issues (precised):

Objection in principle to the development and road layout that would enable a second phase.

Housing estates on villages shouldn't be any larger than 25 dwellings

Flood risk and adequacy of future and existing drains, dykes and upkeep/removal of vegetation

within the dykes.

Two bungalows have recently been flooded and others put at risk; On the night in question the drainage board pumps were working full out and the emergency backup pump was also running and were not enough to keep residents safe.

Following the recent rain and flooding in Woods Lane, entering into two dwellings, the drains are not sufficient particularly taking into account the number of storms we get nowadays with more likely to come with global warming.

Location of path to rear of Woods Lane properties; not originally approved and should be removed from scheme.

Exiting trees and hedges should be retained.

Replanted hedges should be hawthorn.

Development should not have footpath lighting and other lighting should be on timers. Lights should be shaded to prevent light pollution.

Should not use concrete or block paving, but should be permeable.

One objector has raised flooding in the immediate area directly with LCC as Lead Flood Authority.

Planning Considerations

Although objection has been received to the principle of this development and to the size, the principle of this development has been considered and set by the host consent. If a further phase of development is proposed, that application would be considered on submission, and is not a reason to withhold the approval of conditional details.

Below, each condition submission is considered.

Condition 3

Notwithstanding the draft document submitted to support this application, no development shall take place until a formal written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

- 1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).*
 - 2. A methodology and timetable of site investigation and recording*
 - 3. Provision for site analysis*
 - 4. Provision for publication and dissemination of analysis and records*
 - 5. Provision for archive deposition*
 - 6. Nomination of a competent person/organisation to undertake the work*
 - 7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.*
- The archaeological site work shall only be undertaken in accordance with the approved written scheme.*

As can be seen above, the LCC Historic Environment Officer considers that the written scheme of archaeological investigation (WSI) submitted meets the requirements of this office in respect of Condition 3. LCC also received due notification of the work commencing so Condition 4 has also been met.

Condition 4

The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 3 above in order to facilitate adequate monitoring arrangements.

The comments of the LCC Historic Environment Officer are set out above. He considers that this

condition can be discharged.

Condition 6

The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment & Drainage Strategy AHL-1583-01-FRA-001. November 2021 forming part of this planning application, unless otherwise agreed in writing by the Local Planning Authority, in particular the following measures shall be fully implemented before the property is first occupied:

- finished floor levels (FFLs) of the buildings will be set at a minimum of +3.7m AOD.
- flood resilient construction will be incorporated up to a minimum level of 300mm above FFLs of +3.7m AOD.

There is no requirement for this condition to be discharged. The submission shows that all floor levels are above 4m AOD.

Condition 7

Notwithstanding the plans and details submitted to support this application, details of the proposed boundary treatments, including a schedule of fencing levels, heights and 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 and retained thereafter.

As levels are to be raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

The submitted scheme shows boundary treatments and hedging details, that although are uninspiring, accord with the overall development intentions of the consent, and have been designed and amended to take in to account privacy and overlooking matters, as well as amendments for wildlife concerns.

Domestic forms of planting are indicated, rather than hawthorn hedging, as requested by one objector; it is considered that the details are adequate.

Condition 8

Prior to the commencement of the development hereby permitted beyond oversight, a plan illustrating all areas of publicly accessible open space shall be submitted to and approved in writing by the Local Planning Authority. The areas so approved shall be laid out and made available for use in accordance with a specification and phasing that shall first be agreed in writing by the Local Planning Authority, and shall thereafter be so maintained.

Detailing of publicly accessible open space has been provided and is considered to be acceptable. An objection has been received to the formation of a footpath to the rear of properties in Woods Lane. The layout submitted shows the formation of a 9 metre access strip for IDB purposes and the landscaping scheme has been revised to remove the mown footpath.

The details are now considered to be adequate.

Condition 9

Notwithstanding the plans and details submitted to support this application, including the Protected Species Report referenced Extended Phase 1 Survey- February 2020, an up to date Protected Species Report for the site and a management plan for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted beyond oversight. The management of these areas shall be carried out in accordance with the details so approved.

Public open space should include native wildflower seed and grass mixes and planting. These should be sourced from known local provenance and include native species of benefit to wildlife.

These should be managed appropriately as wildflower areas. Interpretation may be needed to explain the management of the areas for wildlife.

Provision of more areas for insects, amphibians, reptiles and mammals could enhance the development further and can be incorporated at the design stage. This could include (but is not limited to) :

- log piles and retention of dead wood for insects;*
- rock piles in sunny areas for reptiles;*
- amphibian friendly gullies, drains and kerbs; these should be included if the area could support amphibians;*
- management of amenity areas, grassland and banks for pollinator species;*
- Hedgehog friendly fences.*
- Suitable vandal proof interpretation could be included on site to explain the features provided and their importance for wildlife.*

The management of these areas shall be carried out in accordance with the details so approved.

The Lincs Wildlife Trust's comments are set out above. The Trust has endeavoured to go beyond current legislation, and at this time it is not considered reasonable to expect a level of biodiversity consideration over and above the SELLP. Regrettably, at this time the details, in the absence of further legislation coming in to play, are adequate.

Condition 10

The development hereby permitted shall not be occupied before details of the means of storage and disposal of refuse and recycling, as well as appropriate management and maintenance, have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of relevant dwellings and shall thereafter be retained.

Note: For residential development, reference should be made to the Council's published PRIVATE DRIVES - WASTE VEHICLE COLLECTION SERVICE - GUIDANCE NOTE when submitting these details.

The details submitted are considered to be adequate.

Condition 11

Where trees are shown within the application submission to be retained on site they shall be protected during construction work as follows:

- i) chestnut pale or similar fencing 1.5 metres in height shall be provided around the trees to be retained before development is commenced at a minimum distance from the trunks equal to the spread of the crowns of the trees. No materials, equipment, site huts, fuels or other items shall be placed or stored within the areas enclosed by the fencing so erected and the ground levels within those areas shall not be altered, nor shall any excavation be made,*
- ii) no burning of materials or other items shall take place within 3 metres of the crown spread of any of the trees to be retained;*
- iii) no services shall be routed under the spread of the crowns of the trees to be retained;*
- iv) no retained tree shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority;*
- v) if any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.*

The details submitted are considered to be adequate.

Condition 12

None of the existing trees on the site shall be cut down, up-rooted, destroyed, topped or lopped unless first agreed in writing by the Local Planning Authority. If any tree which is to be retained dies or is to be removed it shall be replaced within six months thereafter with a tree of such size and species which shall be first be agreed in writing by the Local Planning Authority.

The details submitted are considered to be adequate.

Condition 13

The existing hedges along the boundaries of the site shall not be removed other than as is necessary to facilitate the provision of the means of access to the site and details of the section(s) to be removed, together with details of any proposed maintenance measures for the remaining sections, shall be agreed in writing by the Local Planning Authority before the commencement of the development hereby granted.

The details submitted are considered to be adequate.

Condition 14

Swift nest bricks/boxes shall be incorporated within the external walls of the development hereby approved and shall be retained thereafter. Details of the number, form and location shall be submitted to and approved by the Local Planning Authority prior to installation.

The details submitted are considered to be adequate.

Condition 15

Notwithstanding the plans and details submitted to support this application, before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

The details submitted are considered to be adequate.

Condition 16

No part of the development hereby permitted shall be occupied before the works to improve the public highway by means of reconfiguration of the existing turning head of Sunnydale Close and the provision of pedestrian crossing points with tactile paving to the junction of Sunnydale Close have been certified complete by the Local Planning Authority.

The details submitted are considered to be adequate.

Condition 17

Notwithstanding the elevational details submitted, details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.

No external boxes for gas or electricity supplies shall be installed on a front elevation.

The details have been amended to include colouring boxes on front elevations to match the finish of the buildings, rather than white. The details submitted are considered to be adequate.

Condition 18

Notwithstanding the plans and details submitted to support this application a detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along the local road system and residential amenity.

The Construction Management Plan and Method Statement shall indicate measures to mitigate

against the adverse impacts of vehicle movements and vehicle parking and shall include;

- the phasing of the development to include access construction;*
- the parking of vehicles of site operatives and visitors;*
- the loading and unloading of plant and materials;*
- the storage of plant and materials used in constructing the development;*
- wheel washing facilities;*
- a strategy stating how surface water run off on and from the development will be managed during construction*

The Construction Management Plan and Method Statement shall be strictly adhered to throughout the construction period.

The CMP has been revised and the details submitted are considered to be adequate.

Condition 19

The permitted development shall be undertaken in accordance with an Estate Road Phasing and Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

The details submitted are considered to be adequate.

Condition 20

Before the commencement of the development hereby granted beyond oversight, full details of the means of surface 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.

The details submitted are considered to be adequate.

Condition 21

The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and the South East Lincolnshire Local Plan, 2019). The person carrying out the work must inform the Building Control Body that this duty applies. A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

This condition does not require discharge.

Condition 22

Before the commencement of the development hereby permitted beyond oversight, the detailed design and location of all lighting to be provided to roads and footpaths within the development shall be submitted to and approved in writing by the Local Planning Authority and all lighting utilised in the development shall conform to the details so approved.

The details submitted 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.