DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H18-0859-20**	**Applicant:**	**Loyd Homes Ltd.**
Proposal:	Details of surface water drainage scheme, foul water strategy, storage and disposal of refuse and recycling, construction management, prevention of mud deposits on road, plan and management plan relating to publicly accessible open space (Conditions 7, 8, 11, 13, 14, 15 and 16 of H18-0435-18)		
Location:	Land North Of Nightingale Way Sutton Bridge Spalding		
Terminal Date:	27th November 2020		

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 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

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

CASE OFFICER ASSESSMENT

Proposal

Details of surface water drainage scheme, foul water strategy, storage and disposal of refuse and recycling, construction management, prevention of mud deposits on road, plan and management plan relating to publicly accessible open space (Conditions 7, 8, 11, 13, 14, 15 and 16 of H18-0435-18).

Site Description

The site is an agricultural field which stretches the full width across the rear of residential development off Nightingale Way and Grebe Close, and continues eastward to the rear of Young's Row. Its eastern boundary adjoins an unadopted part of Granville Terrace.

The majority of properties the site adjoins are large detached dwellings.

There is a mixture of boundary treatments to the rear of properties adjoining the site. The remaining boundaries are open.

History

H18-1167-19 - Reserved matters application for the erection of 60 dwellings and associated works - outline approval H18-0435-18 (approved March 2020).

H18-0435-18 - Outline application for residential development - approximately 60 dwellings (approved March 2019).

Consultation Responses

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

Anglian Water - Recommends that the relevant foul water condition can be discharged.

SHDC Environmental Protection - No objection.

Planning Considerations

Condition 7 (surface water drainage scheme) - Surface water from the main access road will drain via filter drains located on the western/northern side of the carriageway. Private drives will be formed in tanked permeable block paving. Roof water and other surface water from within the curtilage of each plot will travel via a surface water system under the carriageway to the pumping station. A detention basin would be utilised for the site's storm water attenuation. Water will then travel to the storm pumping station in that corner of the site before being discharged to the IDB drain to the north-east of the site. The Lead Local Flood Authority are content with the proposed scheme and the relevant Internal Drainage Board have not previously raised any objections to the proposal.

Condition 8 (foul water strategy) - The proposal is to connect into Anglian Water's existing network, whom have raised no objections to the proposed pumped discharge rate.

Condition 11 (storage and disposal of refuse/recycling) - Refuse collection would be a combination of kerbside for the main estate road and collection points for private drives. Occupants would be provided with bins for storage but it will be made clear in the owners packs that refuse sacks only should be presented at the relevant set down points. This approach is acceptable.

Condition 13 (construction management plan) - SHDC Environmental Protection and the Highways Authority have raised no objections to the submitted Construction Management Plan.

Condition 14 (prevention of mud on highway) - As above.

Condition 15 (open space plan) - Submitted details are acceptable.

Condition 16 (open space management/maintenance) - The open space is to be managed by a newly formed estate management company. The proposed maintenance measures are acceptable.

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.

Conclusion

Taking the above into account, it is considered that Conditions 7, 8, 11, 13, 14, 15 and 16 of H18-0435-18 can be discharged.