

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H18-1175-21	Applicant:	Loyd Homes Ltd.
Proposal:	Erection of 60 dwellings and associated works - approved under H18-1167-19. Removal of Conditions 2 & 5 relating to construction management plan & surface water drainage scheme.		
Location:	Land North Of Nightingale Way Sutton Bridge Spalding		
Terminal Date:	14th February 2022		

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 2021**

Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flood risk and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a s73A application relating to the erection of 60 dwellings and associated works on land north of Nightingale Way, Sutton Bridge, approved under H18-1167-19.

The applicant is seeking removal of Conditions 2 and 5 (relating to the construction management plan and surface water drainage scheme) from a Reserved Matters approval. The reason for this is to rectify duplication, and avoid any issues this may cause outside of the planning process, as conditions covering these matters were also included on the outline consent (H18-0455-18).

Site Description

As host consent.

Relevant History

H18-0859-20 - 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) (approved November 2020).

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

SHDC Environmental Protection - No objection.

Anglian Water - We have reviewed the submitted documents in relation to removal of Conditions 2 & 5 relating to construction management plan & surface water drainage scheme. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water. As such, we are unable to provide comments on the suitability of the surface water management. The applicant and the Local Planning Authority should seek the advice of the Lead Local Flood Authority, as they are the statutory consultee for surface water management, and the Internal Drainage Board if applicable. The Environment Agency should be also consulted if the drainage system directly or indirectly involves the discharge of water into a Main River.

South Holland Drainage Board - Whilst I note that the applicant requests that the surface water condition (condition 5) should be removed as it has been approved under outline approval H18-0435-18, we have not received applications for the required consents to enable the applicant's proposals. Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such I strongly recommend that the required consent is sought prior to determination of the planning application.

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

Planning Considerations

Condition 2 (Construction Management Plan and Method Statement) - These details were approved by virtue of condition compliance application ref. H18-0859-20, which is linked to the outline, rather than reserved matters consent. There are therefore no objections to the removal of this condition.

Condition 5 (Surface Water Drainage Scheme) - South Holland Drainage Board have recommended that the required land drainage consent and relaxation of relevant Byelaws is sought prior to determination of the planning application. However, as they have noted, this process is separate from planning and consent has already been granted for a surface water scheme under condition compliance app ref. H18-0859-20. If the required drainage consents are not granted by the Board, the condition could be re-discharged by virtue of the fact that a surface water condition remains on the outline planning consent.

Planning Balance

The relevant details have already been discharged via application ref. H18-0589-20 and surface water drainage and Construction Management Plan conditions remain on the outline consent. There are therefore no objections to the removal of the conditions pertaining to these matters from the Reserved Matters approval to avoid duplication.

Conclusion

That the application be approved under delegated powers.

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.