

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H21-0689-19 **Applicant:** Mr M Mallett

Proposal: Details relating to Conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18 and 19 of H21-0504-18

Location: Land At Tysdale Farm Common Way Tydd St Mary

Terminal Date: 13th September 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
30	Pollution
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 12, 14, 15 and 16

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application is to discharge conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18 and 19 of H21-0504-18.

Site Description

The site (some 0.11ha) is situated on the northern side of Common Way and is currently grassland planted with small fruit trees. Mature trees are situated along the frontage.

The site is within Tydd St Mary Conservation Area. Tysdale Manor, a grade II listed building, is situated to the east, separated by a track. A group of farm buildings are situated to the rear of Tysdale Manor, which were granted planning permission for change of use to 2 dwellings (ref. H21-0794-10) in January 2011. A 19th Century roadside terrace of two storey houses is located to the west.

History

h21-0504-18 - Erection of two detached houses - Granted 30 November 2018.

Consultation Responses

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

Environmental Protection - I have reviewed the Goldfinch Environmental Ltd report 'Proposed residential development land at Tysdale Farm, Common Way, Tydd St Mary ref 0601/1' dated March 2019 and recommend discharge of condition 18 of H21-0504-18 in full.

LCC Archaeology - Fulfils our requirements in respect of condition 19. So it is fine for this to be discharged.

Planning Considerations

Condition 3 (External materials) - The proposed external materials are Camtech Old Nene Red Multi Reclaimed bricks and a natural slate roof. they are considered to be acceptable.

Condition 4 (Landscaping) - The submitted scheme is satisfactory.

Condition 5 (Trees) - No frontage trees are to be removed.

Condition 6 (Protection of Trees) - The submitted method statement is satisfactory, which includes protective fencing.

Condition 7 (Boundary Treatment) - The submitted details are considered acceptable, including frontage hedging.

Condition 8 (External Doors) - The submitted details are acceptable.

Condition 9 (Windows) - The submitted details are acceptable. The condition requires that the windows on the front and side elevations shall be sliding sash, as indicated on the elevation drawings.

Condition 10 (Windows) - All new window frames, etc are to be timber and painted white.

Condition 11 (Rainwater Goods) - All rainwater goods are to be coloured black.

Condition 12 (Guttering) - The submitted details are acceptable, including rise and fall brackets.

Condition 13 (Eaves and chimney Stacks) - The submitted details are acceptable.

Condition 14 (Vehicular Access) - The submitted details are acceptable. LCC Highways does not wish to restrict the the grant of permission.

Condition 17 (Flood Risk) - Finished floor levels are to be raised 300mm above existing ground level with flood resilient construction.

Condition 18 (Contamination) - Environmental Protection have reviewed the Goldfinch Environmental Ltd report 'Proposed residential development land at Tysdale Farm, Common Way, Tydd St Mary ref 0601/1' dated March 2019 and recommend discharge of condition 18 of H21-0504-18 in full.

Condition 19 (Archaeology) - LCC Archaeology has indicated that the submitted report fulfils their requirements in respect of condition 19.

Conclusion

That conditions 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 17, 18 and 19 of H21-0504-18 be discharged.

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.