

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H22-0635-19 **Applicant:** Mrs Hannah Guy - Larkfleet Homes

Proposal: Details of highway works, access details, surface water drainage, construction management plan, mud prevention and finished floor levels (Conditions 9, 12, 13, 14, 15 & 18 of H22-0970-15)

Location: Land At Small Drove Weston Spalding

Terminal Date: 20th August 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

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

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is an application to discharge Conditions 9, 12, 13, 14, 15 & 18 (details of highway works, access details, surface water drainage, construction management plan, mud prevention and finished floor levels) of H22-0970-15 (construction of 45 residential dwellings and associated garages & infrastructure on land at Small Drove, Weston).

Site Description

Greenfield site with agricultural fields to the south-west and south-east and residential properties to the north-west and north-east on Broadgate and Small Drove respectively.

History

H22-0797-17 - Details of contaminated land, external materials, landscaping plans, boundary treatment, public open space management plan and bat and bird boxes. (Conditions 3, 4, 5, 6, 7, 8 and 16 of H22-0970-15) allowed on appeal. (approved October 2017)

H22-0970-15 Construction of 45 residential dwellings and associated garages & infrastructure (allowed on appeal in September 2016)

Consultation Responses

SHDC Environmental Protection - No objection.

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

Planning Considerations

Highways works and access details - LCC Highways have advised that minor amendments are necessary to drawings for the purposes of issuing technical compliance approval for the S278 Agreement but are happy for the condition to be discharged subject to these details being amended and submitted to the local planning authority. Submission of the design of internal estate roads for technical approval will also be required.

Surface water drainage - LCC, as Lead Local Flood Authority, have highlighted that the proposed drainage scheme is still to go through their technical approval process for the Section 38 Agreement. They are happy for the condition to be discharged on the basis that the applicant will not resist any requested revisions should it be discovered that the details do not meet their technical requirements.

Construction management plan and mud prevention - SHDC Environmental Protection have not objected to the submitted Construction Management Plan and the proposed measures for preventing mud from being transferred on to the highway are acceptable.

Levels - Finished floor levels to be in accordance with Condition 18.

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 9, 12, 13, 14, 15 & 18 of H22-0970-15 can be discharged.