

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H22-0831-19 **Applicant:** Larkfleet Homes

Proposal: Construction of 45 residential dwellings and associated garages and infrastructure - approved under H22-0970-15 Appeal Decision - Amendments to wording of Condition 17 relating to the fire hydrants

Location: Land Off: Small Drove Weston Spalding

Terminal Date: 18th September 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

05 Meeting Physical Infrastructure and Service Needs

National Guidance

National Planning Policy Framework 2019

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

Condition 17 of H22-0970-15 sets out that no 'development shall commence before a scheme for the provision of infrastructure to ensure the availability of water supplies to the Fire Service in the event of an emergency, have been submitted to and approved in writing by the Local Planning Authority'. In order to implement the permission before it expires, the applicant is seeking to modify the wording of the condition to allow for the submission of these details at a later date - Before the commencement of any dwelling, to be precise.

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

H22-0785-19 - Construction of 45 residential dwellings and associated garages and infrastructure - approved under H22-0970-15 (Appeal Decision). Amendment to wording of Condition 19 relating to affordable housing (approved August 2019)

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

N/A.

Conclusion

The proposed amendment is considered to be acceptable as a non-material amendment when assessed against the Council's Development Control Procedure Note for Non-Material Minor Amendments to Planning Permissions. Details of the provision of infrastructure to ensure the availability of water supplies to the Fire Service is to be submitted to and approved by the LPA prior to the commencement of any dwelling. This is considered to be an acceptable timeframe and does not represent a significant difference from that previously approved.

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.