

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H01-0294-20 **Applicant:** Waterloo Housing Group

Proposal: Details of footway (Condition 8 of H01-0924-18)

Location: Land South Moulton Chapel Road Cowbit Spalding

Terminal Date: 25th May 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 9 - Promoting sustainable communities

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

Consent was previously granted in November 2019 for details of the 1.8m wide footway to be provided to connect the development to the existing footway network to the east and west along Moulton Chapel Road (under application ref. H01-1004-19). However, the applicant now wishes to remove the section of footway which extends from the turning head at the eastern end of the estate road to the existing footway on Moulton Chapel Road which leads eastwards towards the A16 roundabout.

The applicant is therefore seeking a fresh consent for the details of footway provision required by Condition 8 of H01-0924-18.

Site Description

Development has commenced and the application site is, for all intents and purposes, a construction site. The site was formerly agricultural land and is located on the edge of Cowbit near to the A16 roundabout. The rear of residential properties fronting Backgate adjoin the site to the west. The western, southern and eastern boundaries are lined by trees. There is an agricultural yard

and a residential property on the opposite side of Moulton Chapel Road.

History

H01-1004-19 - Details of footpath, roads and surface water drainage scheme (Conditions 8, 9 and 10 of H01-0924-18) (approved November 2019)

H01-0722-19 - Development of 32 affordable dwellings - approved under H01-0924-18. General amendments to house types including plot drawings missing from original approval (Plots 19-21) (approved August 2019)

H01-0217-19 - Details of construction management, precautions to prevent mud deposits on highway, site and floor levels, foul drainage strategy, scheme of archaeological investigation, details of external materials, boundary treatment, landscaping, open space management and details re existing hedging (Conditions 4, 5, 6, 11, 12, 13, 14, 15, 16 and 18 of H01-0924-18) (approved July 2019)

H01-0184-19 - Details of scheme to deal with contaminated land or pollution controlled waters (Condition 3 of H01-0924-18) (approved April 2019)

H01-0924-18 - Development of 32 affordable dwellings (approved February 2019)

H01-0035-17 - Proposed residential development of up to 17 dwellings (approved July 2017)

Consultation Responses

None.

Planning Considerations

Condition 8 of the original approval (H01-0924-18) requires a new 1.8m wide footway to be constructed to connect the development to the existing footway network to the east and west along Moulton Chapel Road. However, concerns have since been raised about the safety implications of constructing a path eastwards which leads solely towards the A16 roundabout.

Discussions have taken place between the Highway Authority, developer and the Council and there are no objections to the removal of this section of footway from the scheme.

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

It is considered that it would be appropriate to grant consent for the new details submitted (i.e. removal of the eastern footway link) on the basis of public safety.