DECISION DELEGATED TO DEVELOPMENT MANAGER

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|---|---|---|---|
| **Application No:** | H01-1004-19 | **Applicant:** | Mr P Pitt |
| **Proposal:** | Details of footpath, roads and surface water drainage scheme (Conditions 8, 9 and 10 of H01-0924-18) | | |
| **Location:** | Land South Of Moulton Chapel Road Cowbit Spalding | | |
| **Terminal Date:** | 4th December 2019 | | |

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

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|---|---|
| 02 | Development Management |
| 03 | Design of New Development |
| 04 | Approach to Flood Risk |
| 33 | Delivering a More Sustainable Transport Network |

**National Guidance**

**National Planning Policy Framework 2019**

Section 9 - Promoting sustainable transport
Section 14 - Meeting the challenge of climate change, flooding and coastal change

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 1 | 0 |
| OTHER STATUTORY BODIES | 0 | 0 | 0 | 1 |

CASE OFFICER ASSESSMENT

**Proposal**

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

**Site Description**

Site preparation works are underway. Former agricultural land 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

H01-0722-19 - 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)
H13

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

## Consultation Responses

Anglian Water - No objections.

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

## Planning Considerations

Lincolnshire County Council (as Highways Authority and Lead Local Flood Authority) and Anglian Water have no objections to the submitted details relating to the frontage footpath, surface water drainage and foul water disposal. As such, these are considered acceptable.

## 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 Conditions 8, 9 and 10 of H01-0924-18 can be discharged.