DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0105-22**	**Applicant:**	**Burmor Construction Ltd**
Proposal:	Details of construction management plan, contamination, landscaping & hedge planting, lighting, refuse, visibility splays, footway, phasing, street maintenance & highway design (Conditions 5, 6, 7, 8, 10, 13, 15, 17, 18, 19, 20 & 21 of H02-0054-18)		
Location:	Land At 18 Low Road Crowland Peterborough		
Terminal Date:	30th April 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

Section 8 - Promoting sustainable transport
Section 12 - Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Details of construction management plan, contamination, landscaping & hedge planting, lighting, refuse, visibility splays, footway, phasing, street maintenance & highway design (Conditions 5, 6, 7, 8, 10, 13, 15, 17, 18, 19, 20 & 21 of H02-0054-18).

Site Description

As original application.

History

H02-1090-19 - RM - Residential development - 30 dwellings and associated works - outline approval H02-0054-18 (approved May 2021).

H02-0054-18 - Outline application for proposed residential development (approved October 2019).

Consultation Responses

Crowland Parish Council - The Parish Council are happy to leave this to the expertise of the Officers.

SHDC Environmental Protection - No objection to construction management plan.

SHDC Environmental Protection (contaminated land) - I have reviewed the Ground Engineering 'DESK STUDY REPORT LAND AT LOW ROAD AND PLANK DROVE CROWLAND LINCOLNSHIRE Report Reference C15007' dated March 2020 and 'GROUND INVESTIGATION REPORT LAND AT LOW ROAD & PLANK DROVE CROWLAND LINCOLNSHIRE Report Reference No. C14335' dated December 2017 and am in general agreement with the findings. I therefore recommend discharge of condition 6 of H02-0054-18 in full.

LCC Highways/SUDS - Does not wish to restrict the grant of permission. The details submitted to discharge conditions 5,6,7,8,10,13,15,17,18,19,20 and 21 attached to H02-0054-18 are acceptable in accordance with approved drawings and details submitted with this application. Therefore, having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Public (1 comment received, summarised) -
- Residents not notified of application
- No plan of where haul road will be if electric crossover taken into account
- 7.30 - 18.30 6 days a week in a residential area too much
- Access at all times for residents

Planning Considerations

Condition 5 (Construction Management Plan) - The Highway Authority and SHDC's Environmental Protection Officer have no objection to this plan. The plan has been revised during the course of the application to reduce Saturday working hours and to make it clear that access from Plank Drove will only be temporary until the bellmouth on Low Road is complete.

Condition 6 (Contaminated Land Scheme) - SHDC's Environmental Protection Officer is in general agreement with the findings of the reports and recommends that this condition be discharged.

Condition 7 (Landscaping) - These plans were considered at Reserved Matters stage and are simply resubmitted here for the purpose of discharging the separate condition on the outline application.

Condition 8 (Hedge Planting) - The landscaping plans (including hedging) were considered at Reserved Matters stage and are simply resubmitted here for the purpose of discharging the separate condition on the outline application.

Condition 10 (Implementation of Open Space) - The details relating to open space are acceptable.

Conditions 13, 17, 18, 19, 20 and 21 - These are all highway related conditions and the Highway Authority have raised no objection to the submitted details.

Condition 15 (Details of Refuse Storage) - Refuse collection points are indicated on the site layout plan for the private drives serving Plots 29 and 30 and 21-24. The carrying distances comply with the Council's guidance note entitled 'Private Drives - Waste Vehicle Collection Service'. No collection point is indicated for Plots 1 and 2, however Plot 1 is immediately adjacent to the public highway and the occupants of Plot 2 could also reasonably deposit their refuse sacks on the public footway at the end of the private drive.

Residents are not notified of condition compliance applications as a matter of course.

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 5, 6, 7, 8, 10, 13, 15, 17, 18, 19, 20 & 21 of H02-0054-18 can be discharged.