DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H02-0180-19**	**Applicant:**	**Ashley King Developments Ltd**
Proposal:	Details of Conditions 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16 of H02-0673-18		
Location:	Land Off Crease Drove Crowland		
Terminal Date:	15th April 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	1	0
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This is an application to discharge Conditions 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16 of H02-0673-18 (erection of 47 dwellings with associated garaging, roads and sewers on land off Crease Drove, Crowland).

Site Description

The application site is a greenfield site of approximately 1.71 hectares. There is greenfield land to the north and south of the site. Crease Drove and Crowland Cranes is to the west. An IDB maintained drain runs along the eastern boundary. Existing residential dwellings are located to the east of this, off Beccelm Drive.

History

H02-0673-18 - Erection of 47 dwellings with associated garaging, roads and sewers on land off Crease Drove, Crowland (approved 4th February 2019).

Consultation Responses

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

Crowland Parish Council - The Parish Council will rely on the expertise of the SHDC Planning Officer for this application.

SHDC Environmental Protection - I have reviewed the GeoDyne report 'Joyce - Crease Drove, Crowland, Combined Phase I Desk Study & Phase II Exploratory Investigation For Ashwood Homes' Project No: D38056c Date: 6th July 2018 and recommend discharge of condition 8 of H02-0673-18 in full.

North Level IDB - No comment to make.

Anglian Water - Foul drainage strategy is acceptable and recommends discharge.

Planning Considerations

LCC as Highways Authority and Lead Local Flood Authority have no objections to the submitted highways details and the proposed surface water drainage strategy.

Anglian Water have no objections to the proposed foul water strategy.

SHDC Environmental Protection recommend discharge of the contaminated land condition.

The details relating to landscaping, construction management, prevention of mud on the highway, open space management and site levels are considered to be acceptable.

A mixture of 1.8m close board fencing, 1.8m brick wall and 1.0m horizontal estate railings are proposed as boundary treatments. These are considered to be acceptable.

A mixture of red and cream faced bricks are proposed, with red/brown tiles. Some properties are to be finished with weatherboarding. This is acceptable.

Conclusion

Overall, it is considered that the information submitted to satisfy Conditions 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16 of H02-0673-18 is acceptable and that the conditions can be discharged in this instance.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.