DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0397-24**	**Applicant:**	**Seagate Homes**
Proposal:	Proposed temporary site construction entrance		
Location:	17 Barbers Drove North Crowland Peterborough		
Terminal Date:	7th August 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 9 - Promoting sustainable transport

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RUBEN LOPEZ, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0

OTHER STATUTORY BODIES	0	0	0	2
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The proposal is for the creation of a temporary site access to be used during construction. The proposed access is attached to James Road and located to the northern end of the application site. This is where the approved site compound is located.

Site Description

The site forms part of a housing allocation in the South East Lincolnshire Local Plan (2019) (ref. Cro011) and already benefits from full planning permission for 41 dwellings, granted under application ref. H02-0064-21.

The site amounts to approximately 1.22ha and is largely grassed and with a fenced paddock to the northern side. The site adjoins a small number of properties at the south-western end and some bungalows on the opposite side of Barbers Drove North face towards the site. To the north-east are residential properties and Crowland Fire Station, with an IDB drain in between. The south-eastern boundary fronts James Road and is bordered by trees and a drain which runs the length of that boundary, joining the IDB drain at the northern end.

History

Application Site:

H02-0696-22 - Residential Development of 41 dwellings, new site access, internal roads, footpath links and landscaping. Approved 09-10-23

H02-0564-22 - Outline - Residential Development of 3 dwellings (approved).

H02-0064-21 - Full - Demolition of existing dwelling and erection of 41 dwellings, new site access, internal roads, and landscaping (approved February 2022).

H02-0909-23 - Details of Construction Management Plan and Method Statement, estate road and associated footways, surface water drainage scheme, site levels & floor levels, external materials of buildings and hard surfaced areas, landscaping and tree planting, boundary treatments, management and maintenance schedule for the areas of landscaping, incidental open space, refuse/recycling collection points and parking courts/private drives (Conditions 3, 5, 7, 9, 10, 11, 12 & 13 of H02-0696-22). Conditions Discharged 09.01.24

H02-0143-24 - Details of external materials (Condition 10 of H02-0696-22). Conditions Discharged 12.03.24

Consultation Responses

Parish
No objections

Highways & SuDs
No objections subject to a condition that would ensure the temporary access is stopped up following the completion of construction works.

Environment Agency
No objections

Environmental Protection
No comments

Historic Places Team
Having reviewed the application documents and the updated available Historic Environment information for this application, the proposal is unlikely to have an impact on significant archaeological remains. Consequently, no further archaeological input is necessary for this application.

North Level IDB
No objections

Crime Prevention Design Officer
No objections

Anglian Water
No comments

Representations

This application has been advertised in accordance with the Development Procedure Order. One letter of representation has been received and one letter of objection. The objection states:

When the original application was submitted for the new site of James Road where they already have a site entrance, it was stated that no construction traffic would have any access down Barbers Drove North. The road is only single track with no pedestrian footpaths with quite a lot of foot traffic. The road it's self is in bad condition as are the services under the road as to date we have been without water for 3 days since construction started due to the main being broken by Seagate and since they carried out the sewer connection there is a Anglia water tanker every other day pumping out the foul sewer which is parked for long periods of time. If this application is passed I will hold South Holland District Council responsible for any damage to the driveway entrance or boundary walls

This application proposes a temporary construction access onto James Road. The purposes to the remove pressure from the already approved access on the site. This access is located at the opposite end of applications site to Barbers Drove North.

Planning Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.
Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Assessment

This proposal is for the formation of a temporary access only. The site is located within the settlement boundary for Crowland as set out in South East Lincolnshire Local Plan (2019) and is an allocated housing site (ref. Cro011). There is also an extant permission for residential development (ref. H02-0064-21). The principle of residential development on the application site has therefore already been established.

The main issues and considerations in this case are (but are not limited to):

- Highway Safety

Highway Safety

SELLP Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation.

SELLP Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. It advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
The proposal is to formulate an access on to James Road, to be used during the construction period only. Highways have been consulted and have no objections on the basis that the access is temporary and stopped up following the completion of construction works.

Therefore a condition will be attached that this access is stopped up, subject to details submitted to and agreed with the local planning authority (following consultation with highways) following the completion of onsite construction works. The works would also need consent from LCC Highways, this offers mitigation that appropriate surfacing will be applied and visibility achieved.

On this basis it is considered that the proposal would accord with SELLP Policies 2 and 3 as well as Section 9 of the National Planning Policy Framework.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development, that is essentially ancillary to allow more effectively the residential planning permission to come forward. The development hereby proposed is acceptable in highway safety terms and is temporary in its nature, it also conforms with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Conclusion

The proposal is considered acceptable subject to a condition stopping up this proposed temporary access. This is in the interest of both highway safety and to reinforce the terms of the permission.

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.