DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0405-24**	**Applicant:**	**Seagate Homes (UK) Ltd**
Proposal:	Details of footway and estate road phasing and completion plan (Conditions 4 and 6 of H02-0696-22)		
Location:	17 Barber Drove North Crowland Peterborough		
Terminal Date:	2nd July 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge conditions 4 and 6, attached to planning approval H02-0696-22, relating to the need to submit details of footway and estate road phasing and completion plan.

Planning approval H02-0696-22 granted full planning permission for residential Development of 41 dwellings, new site access, internal roads, footpath links and landscaping.

Site Description

As detailed within the previously approved application (H02-0696-22), the site amounts to approximately 1.22ha and is largely grassed and with a fenced paddock to the northern side. Two new large properties are located to the north-west beyond the tree line.

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

H02-0696-22 - Full - Residential Development of 41 dwellings, new site access, internal roads, footpath links and landscaping (Approved)

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).

Consultation Responses

Internal Drainage Board

My Board has no objections to the above application.

Lincolnshire County Council Highway/SuDS

The details submitted to discharge condition 4 & 6 attached to H02-0696-22 are acceptable in accordance with approved drawings submitted to the Local Planning Authority. The site has technical approval for the Section 38 Agreement issued 24/102023 and a Section 278 Minor Works Agreement has been entered into for the highway improvements dated 10/07/2023.

Crowland Parish Council

No Obejctions.

Planning Considerations

This application relates to condition 4 and 6 of planning approval H02-0696-22.

Condition Details

Condition 4

Condition 4 of planning approval H02-0696-22 states:
The development hereby permitted shall not be occupied before a 2.0 metre wide footway, to connect the development to the existing footway network on James Road and a 3.0m wide footway/cycleway to connect the development to Barbers Drove North, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.
This Condition is imposed in accordance with Policies 2, 3 and 33 of the South East Lincolnshire Local Plan, 2019.

Condition 6

Condition 6 of planning approval H02-0696-22 states:
The permitted development shall be undertaken in accordance with an Estate Road Phasing and

Completion Plan, which shall first be approved in writing by the Local Planning Authority. The Plan shall set out how the construction of the development will be phased and standards to which the estate roads on each phase will be completed during the construction period of the development.

Reason: To ensure that a safe and suitable standard of vehicular and pedestrian access is provided for residents throughout the construction period of the development.
This Condition is imposed in accordance with Policy 2 of the South East Lincolnshire Local Plan, 2019.

The details submitted in respect of conditions 4 and 6, as detailed within the response gained by Lincolnshire County Council Highways, are considered to be acceptable.

Conclusion

The details in relation to condition 4 and 6 are acceptable and can be discharged.

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.