DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H02-0561-24** | **Applicant:** | **The Rotary Club of Spalding and Welland** |
| **Proposal:** | Details of improvement of Carrington Drove (Condition 4 of H02-0241-23) | | |
| **Location:** | Off Carrington Drove Crowland | | |
| **Terminal Date:** | 20th August 2024 | | |

**Planning Policies**

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

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|---|---|
| 02 | Development Management |
| 03 | Design of New Development |
| 33 | Delivering a More Sustainable Transport Network |

**National Guidance**

**National Planning Policy Framework 2023**

Section 9 - Promoting sustainable transport

**Representations:**

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

CASE OFFICER ASSESSMENT

**Description of Proposal**

This is an application seeking to discharge condition 4 of H02-0241-23 relating to improvements to Carrington Drove. It is proposed that the road will be widened by approximately one meter, along with other general improvements.

## Site Description

The site is outside of any settlement boundaries outlined within the South-East Lincolnshire Local Plan, 2019 (SELLP), lying approximately 500m south-east of Crowland. The site is located off Carrington Drove, a minor, adopted road south of the A16. Carrington Drove is a small, single-track road, with drains on either side.

The site encompasses a total area of approximately 1.09 hectares, currently used as a poultry farm. Three sheds are present on site, in various stages of disrepair. A fourth shed was located towards the south of the site but was demolished following severe damage. The site of the former shed is a covered in hardstanding and will be used as a display area.

## Relevant History

H02-1490-05 - Full. Change of use to riding stables, riding school and livery yard. Approved 07/03/06.

H02-0516-10 - Full. Proposed Fenland Tourism Centre and relocation of Crowland Caravans and Camping. Approved 07/04/11.

H02-0026-15 - Full. Alterations, extensions and replacement buildings to create new Fenland Tourism Centre and relocation of Crowland Caravans and Camping. Approved 26/03/15.

H02-0544-15 - Section 73 Modification. Alterations, extensions and replacement buildings to create new Fenland Tourism Centre and relocation of Crowland Caravans and Camping - approved under H02-0026-15. Modification of Condition 2 to allow amendments to previously approved plans, including 12.4-metre-high flue and rotation of boiler and associated fuel store. Approved 26/08/15.

H02-0957-15 - Condition Compliance. Details of Conditions 3, 4, 5, 6, 7, 10, 14, 16, 17, 18 and 21 of H02-0544-15. Approved 24/11/15.

H02-0241-23 - Full. Change of use of land and conversion of existing poultry shed, including two extensions, re-cladding of external elevations, site fencing and associated works to Use Class E. Approved 07/09/23.

H02-0560-24 - NMA. Change of use of land and conversion of existing poultry shed, including two extensions, re-cladding of external elevations, site fencing and associated works to Use Class E - Approved under H02-0241-23. Amendment to material of perimeter security fence & addition of internal security fence & gates. Approved 02/07/24.

## Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

North Level Internal Drainage Board

"Please note that North Level District Internal Drainage Board have no comment to make regarding the above planning application."

Crowland Parish Council

"CPC support this application, and comment, it is good to see an established business reopen"

Highway and Lead Local Flood Authority

"Location and area of widening to be agreed at the stage, the formal specification will be agreed at Section 278 stage. Therefore, please remove specification details from the drawing and note that it will be in accordance with Lincolnshire County Council Specification. The response from LCC on 0241-23 said a minimum of 4.1m wide - the drawing shows an additional 1m carriageway is proposed when it should say the total to be no less than 4.1m as some of the existing carriageway is less than 3m wide"

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

## Key Planning Considerations

Condition 4

The proposed scheme would result in sufficient space to enable the safe movement of vehicles in and out of the site. The constraints of the site, abutting drains, means that a consistent road width or additional widening cannot feasibly be achieved. Based upon these constraints, and the discussions held during the host applications, it is considered that the improvement scheme proposed here is appropriate and adequately achieves the aims of Condition 4. In any event, the comments of the Highway Authority on the host application to which these new comments referred to where further assessed within the original report.

The comments made by the Highway Authority, and their request for further information is noted and appreciated; however, given the aforementioned constraints it is not considered viable or practical to mandate a 4.1 metre width throughout the roadway. Furthermore, the "specification details" which the Highway authority have requested the removal of are considered necessary for informative purposes to the Planning Authority. The removal of these specifications may create undue delay on this application. To counter this, it is considered that an appropriately worded informative condition may be added to a decision notice.

## Conclusion

The proposal has satisfied the requirements of Condition 4 of H02-0241-23. The condition 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.