DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H02-0604-18**	**Applicant:**	**ILA Developments Limited**
Proposal:	Erection of 3 detached and pair of semi-detached bungalows and detached garages - approved under H02-0147-15. Modification of Condition 7 to allow the footpath to be less than 1.8 metres wide		
Location:	59-61 Broadway Crowland		
Terminal Date:	19th July 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 9 - Promoting sustainable transport

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is an application to amend Condition 7 of H02-0147-15 to allow the frontage footpath to be less than 1.8 metres wide.

Site Description

The bungalows to which the original application relates have already been constructed but the requirement for the frontage footpath has not been fulfilled to date.

History

H02-1123-16 - Erection of 3 detached and pair of semi-detached bungalows and detached garages - approved under H02-0147-15. Amendments to include 2 roof windows and conversion of window to bi-fold doors to Plots 3 & 4 (approved November 2016)

H02-0781-17 - Details of contaminated land (Part (iv) of Condition 3 of H02-0147-15) (approved September 2017)

H02-0565-15 - Details of external materials, boundary treatment, landscaping, 1.8 metre wide footway, existing and proposed site levels (Conditions 4, 5, 6, 7 and 8 of H02-0147-15) (approved July 2016)

H02-0378-16 - Details of contaminated land (Condition 3, parts i, ii and iii of H02-0147-15) (approved July 2016)

H02-0147-15 - Erection of 3 detached and a pair of semi-detached bungalows (approved April 2015)

Consultation Responses

LCC Highways/SUDS - No objections subject to standard highways note/conditions.

Planning Considerations

LCC Highways have no objections to the proposed amendment to the width of the frontage footpath and the submitted details. It is therefore considered to be acceptable.

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, the proposed amendment is considered to be acceptable and a delegated approval is recommended.