DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H02-0615-19**	**Applicant:**	**Partner Construction**
Proposal:	Residential development - approved under H02-0554-16 - Modification of Condition 11 to allow amended wording in relation to works on carriageway/footway (Section 278 work)		
Location:	Adcocks Drinks Company Crease Drove Crowland		
Terminal Date:	18th November 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
06	Developer Contributions
33	Delivering a More Sustainable Transport Network

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	1	0
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This application is seeking to modify Condition 11 of H02-0554-16.

This condition states that:
No part of the development hereby permitted shall be commenced before works to improve Crease Drove by the widening of the carriageway to 5.5 metres and the provision of a 1.8 metre wide frontage footway to link to the existing footway network, together with the provision of associated highway drainage and street lighting have been certified complete by the local planning authority.

The applicant is seeking to amend this to:
No part of the development hereby permitted shall be occupied before works to improve Crease Drove by the widening of the carriageway to 5.5 metres and the provision of a 1.8 metre wide frontage footway to link to the existing footway network, together with the provision of associated highway drainage and street lighting have been certified complete by the local planning authority.

The applicant has submitted the following in support of the application:
'As currently worded, condition 11 is a prior to commencement condition and requires all of the S278 work to be complete before any development can commence. From a construction perspective this will cause ongoing issues during the construction phase. If we were to construct the S278 works and then commence our site works the new road and footpath would be damaged unnecessarily. We have demolition of the existing building to complete, site traffic, new services to bring into site and a new rising main which would require us to break up the new footpath.'

Site Description

The application site is brownfield in nature. The rear of gardens on Alderlands Close and Beccelm Drive adjoin the northern and eastern boundaries respectively. There is an open field to the south, with new residential development having just been commenced further south along Crease Drove. There are mature trees/hedgerows on the boundary and there are also a number of trees within the site.

History

H06-0614-19 - Details of boundary treatment (Condition 5 of H02-0554-16) (approved August 2019)

H02-0652-19 - Details of landscaping, public open space and landscape management and maintenance schedule, refuse storage and meter boxes (Conditions 4, 6, 7, 9 and 10 of H02-0554-16) (approved August 2019)

H02-0688-19 - Details of archaeological investigation (Condition 18 of H02-0554-16) (approved July 2019)

H02-0613-19 - Details of construction management and wheel washing facilities (Conditions 16 and 17 of H02-0554-16) (approved July 2019)

H02-0554-16 - Outline application for residential development on land off Crease Drove, Crowland (approved October 2017)

Consultation Responses

Crowland Parish Council - Leave to expertise of officers.

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

North Level Internal Drainage Board - No comment.

Planning Considerations

The Highways Authority have not objected to the proposed amendment to Condition 11 and the new wording/approach would seem sensible to prevent works that would effectively be undone by other work associated with the development.

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 into account the above, the proposed amendment is considered to be acceptable.

The recommendation is therefore for a delegated approval.