

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H02-0722-20 **Applicant:** GEDA Construction

Proposal: Details of construction management plan & method statement, prevention of mud deposits on the road, improvement of Crease Drove, roads and footways, estate road phasing and completion plan and surface water drainage scheme (Conditions 3, 4, 5, 6, 7 and 8 of H02-0078-20)

Location: Land East Of Crease Drove Crowland

Terminal Date: 26th February 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
30	Pollution

National Guidance

National Planning Policy Framework 2019

Section 9 - Promoting sustainable transport
 Section 14 - Meeting the challenge of climate change, flooding and coastal change
 Section 15 - Conserving and enhancing the natural environment

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
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of construction management plan & method statement, prevention of mud deposits on the road, improvement of Crease Drove, roads and footways, estate road phasing and completion plan and surface water drainage scheme (Conditions 3, 4, 5, 6, 7 and 8 of H02-0078-20).

Site Description

A greenfield site located to the east of Crease Drove. New residential developments are currently under construction to the north and south. There is an IDB drain that adjoins the eastern boundary of the site, beyond which is the rear gardens of properties on Becceim Drive. There are varying boundary treatments to the rear of these properties. There is a commercial business to the south-west on the opposite side of Crease Drove.

History

H02-0078-20 - Full application for the erection of 14 dwellings & associated works (approved August 2020)

H02-0452-20 - Modification of 106 Agreement to reflect the requirement for flexibility on the affordable housing requirement - planning approval H02-0723-16 (approved August 2020)

H02-0079-20 - Reserved matters application for the erection of 41 dwellings & associated works - outline approval H02-0723-16 (allowed on appeal) (approved June 2020)

H02-0383-20 - Details relating to archaeology (Conditions 15 & 16 of H02-0723-16) (approved May 2020)

H02-0723-16 - Outline application for residential development (allowed on appeal September 2017)

H02-0216-17 - Outline application for residential development - re-submission of H02-0723-16 (withdrawn September 2017)

Consultation Responses

Crowland Parish Council - The Parish Council has inadequate technical knowledge to fully evaluate and therefore trust SHDC to ensure that the adverse impact on the community, of which there will be some, is minimised. This includes existing housing and community activities.

North Level IDB - No objection in principle. The 9m byelaw on the eastern boundary of the site has been adhered to and the surface water discharge rate has been agreed.

SHDC Environmental Protection - No objection.

LCC Highways/SUDS - Confirms that Technical Approval has been granted for the details of this scheme.

Planning Considerations

Condition 3 - (Details of construction management plan & method statement) - SHDC's Environmental Protection Officer and the Highways/Lead Local Flood Authority have no objection to the submitted details.

Condition 4 (Prevention of mud deposits on the road) - Submitted details are acceptable.

Condition 5 (Details of improvement and widening of Crease Drove and footway) - The Highways Authority have issued technical approval for the design of the s278a works and, as such, have no objection to this condition being discharged.

Condition 6 (Roads and footways specification) - The Highways Authority have no objection to this condition being discharged.

Condition 7 (Estate road phasing and completion plan) - LCC have issued Technical Approval for these details.

Condition 8 (Surface water drainage scheme) - LCC have issued Technical Approval for these details.

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, it is considered that Conditions 3, 4, 5, 6, 7 and 8 of H02-0078-20 can be discharged.