

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-0751-23 **Applicant:** Crown Developers Ltd

Proposal: Details of design & location of all lighting to be provided to roads & footpaths (Condition 4 of H02-1184-15)

Location: Rear Of 42 Postland Road Crowland Spalding

Terminal Date: 17th October 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development

National Guidance

National Planning Policy Framework 2023

The National Planning Policy Framework (2023)

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This condition compliance application requests the discharge of condition 4 of H02-1184-15 which stated the following:

"Before the commencement of the development hereby permitted beyond oversight, the detailed design and location of all lighting to be provided to roads and footpaths within the development shall be submitted to and approved in writing by the Local Planning Authority and all lighting utilised in the development shall conform to the details so approved."

*Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the visual amenity of the overall development, to prevent light pollution and to ensure that the development is adequately lit.
This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan, 2006."*

The applicant indicates that because the roadway is private, they have elected not to provide any street lighting and therefore, no details are required.

Site Description

As in host application

History

As in host application

Consultation Responses

LCC Lead Local Highways and Flood Authority

Condition 4 was not requested by them, and the roadway is not adopted and therefore, they have no objections.

Crowland Parish Council

Lack of information means that the Crowland parish council cannot make a representation.

Environmental Protection Team

None received.

Planning Considerations

Condition 4

The applicant has provided information to suggest that because the roadway is a private access road, there is no proposed lighting and therefore, no details were ever required. On this basis, consultations were made to the relevant bodies and no objections were received. The Local Planning Authority therefore finds no reason to object to the applicant's statement and therefore, is satisfied that the condition may be discharged.

Conclusion

For the reasons listed above, this application is deemed to be in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2023). Therefore, the recommendation is to approve.

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.