DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H02-0900-19**	**Applicant:**	**Mr N Marshall**
Proposal:	Proposed residential development, replacement allotments and new cemetery, including woodland burial plots, associated infrastructure and new accesses - approved under H02-0771-18 - Modification of Condition 5 relating to affordable housing.		
Location:	Land Off James Road Crowland Spalding		
Terminal Date:	19th February 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
12	Reserve Sites
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments

PARISH COUNCIL	0	0	0	1
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

Sevction 73 application - Proposed residential development, replacement allotments and new cemetery, including woodland burial plots, associated infrastructure and new accesses - approved under H02-0108-18 - Modification of Condition 16 to remove condition relating to provision of 1.8 metre wide footway.

Site Description

As host application.

History

H02-0859-19. Details of scheme to deal with contamination (Condition 12 of H02-0771-18). Approved. 28-01-20.

H02-0898-19. Details of conditions 4, 8, 9, 10, 11, 13 & 15 of H02-0771-18. Approved. 06-01-20

H02-0899-19. Details of scheme of affordable housing (Condition 5 of H02-0771-18). Approved. 30-12-19.

H02-1045-19. Details of lighting for roads and footpaths and surface water drainage (Conditions 14 and 19 of H02-0771-18). Approved. 06-01-20.

H02-0771-18 - Proposed residential development, replacement allotments and new cemetery, including woodland burial plots, associated infrastructure and new accesses - approved under H02-0108-18 - Modification of Condition 5 relating to affordable housing. Approved 23-10-18.

H02-0039-19 RESERVED MATTERS. Erection of 49 dwellings and associated works - outline approval H02-0771-18. Approved 28.11.2019.

H02-0108-18 - Proposed residential development, replacement allotments and new cemetery including woodland burial plots, associated infrastructure and new accesses-approved under H02-0259-15. Modification of Conditions 2 and 20 to allow amendments to previously approved plans and Flood Risk Assessment. Approved 25-05-18.

H02-0579-17 FULL Proposed replacement allotments, storage building, new access and parking area. Approved. 07-08-17.

H02-0259-15 - OUTLINE. Proposed residential development, replacement allotments and new cemetery including woodland burial plots, associated infrastructure and new accesses. Approved

11-02-16.

Consultation Responses

Crowland Parish Council

The Parish Council fully support this application.

LCC Highways & SUDS Support

No Observations.

North Level Internal Drainage Board

No Observations.

Planning Considerations

Justification has been submitted to explain the reasoning for not providing a specific footpath in accordance with the intentions of the host permission. Pedestrian footpath provision is made via a slightly different route, via the existing access to the allotments, to that suggested by the condition. This rerouting is considered to be acceptable to LCC Highways.

Conclusion

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.