DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H02-1074-20**	**Applicant:**	**Partner Construction**
Proposal:	Details relating to landscaping, validation report (contamination), widening of Crease Drove and footway provision, and archaeological report (Conditions 4, 8, 11 & 20 of H02-0554-16)		
Location:	Land Off Crease Drove Crowland		
Terminal Date:	8th March 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

Section 9 - Promoting sustainable transport
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details relating to landscaping, validation report (contamination), widening of Crease Drove and footway provision, and archaeological report (Conditions 4, 8, 11 & 20 of H02-0554-16).

Site Description

As original application although construction has commenced.

History

H02-0406-19 - Reserved matters application for residential development comprising of 50 dwellings with associated works (outline application H02-0554-16) (approved August 2019)

H02-0554-16 - Outline application for residential development (approved October 2017)

Consultation Responses

Crowland Parish Council - The Parish Council will rely on the expertise of the officers dealing with this application.

LCC Historic Environment Officer - I can confirm that the final archaeological report submitted meets the requirements of this office. We can therefore recommend that any outstanding archaeological conditions may
now be discharged.

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

North Level IDB - No comment.

SHDC Environmental Protection - I have reviewed the GRM Developmental Solutions Limited Letter report ref P8723/RCL.01 dated 30th January 2020 'Remediation Completion Letter - Crease Drove, Crowland' and recommend discharge of condition 8 of H02-0554-16 in full.

Planning Considerations

Condition 4 (landscaping) - The applicant is seeking to discharge Condition 4 again as the landscaping scheme has been amended in response to comments from the Highway Authority and the street lighting scheme, as well as some boundary trees being removed during the course of development. These amended details have already been approved via Non-Material Amendment application ref. H02-0087-21.

Condition 8 (validation report for contamination) - SHDC Environmental Protection have no objection to the submitted details.

Condition 11 (widening of Crease Drove and footway provision) - The design of these improvement works has been approved by the highway authority and that the works themselves are programmed to be commenced on 4 January 2021. Therefore the authority does not wish to object to this application.

Condition 20 (archaeological report) - The County's Historic Environment Officer has advised that the submitted report is acceptable and that the condition can be discharged.

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 4, 8, 11 & 20 of H02-0554-16 can be discharged.