

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-1165-22 **Applicant:** Bellway Homes Ltd

Proposal: Details of estate road and footway finished surface levels. (Condition 12 of H14-0720-18)

Location: Land Off Wardentree Lane Pinchbeck Spalding

Terminal Date: 30th January 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This application is to discharge condition 12 of application H14-0720-18, pertaining to the details of road and footway finished surface levels at the junction with Wardentree Lane.

Site Description

The new estate measures 3.99 hectares. It was previously used as a plant nursery with greenhouses. The eastern area of the site was previously agricultural land. The east, south and west is characterised by residential developments. To the north is agricultural land, while to the north-west is the Pinchbeck Conservation Area. The area is outside of the settlement boundaries of Pinchbeck as outlined in the South-East Lincolnshire Local Plan, 2019.

The site of this proposal is the access to the estate via Wardentree Lane. This is located on the south-west of the development.

Relevant History

H14-0720-18 - Outline. Proposed residential development of up to 96 dwellings. Approved 8/3/19.

H14-0838-21 - Condition Compliance. Details of final report in relation to archaeology (Condition 18 of H14-0720-18). Approved 12/8/21.

H14-0686-21 - Condition Compliance. Details of open space, management plan for areas of publicly accessible open space and outdoor play areas and management & maintenance of communal areas (Conditions 5, 6 & 7 of H14-0720-18). Approved 2/9/21.

H14-0757-21 - Condition Compliance. Details relating to Flood Risk Assessment, surface water drainage scheme and foul water drainage strategy (Conditions 9, 13 & 16 of H14-0720-18). Approved 7/9/21.

H14-0650-21 - Condition Compliance. Details of programme for phasing, contamination, construction management plan & prevention of mud deposits on public highway (Conditions 4, 8 parts i & ii, 14 & 15 of H14-0720-18). Approved 4/11/21.

H14-0862-21 - Modified Agreement. Modification of 106 Agreement to vary the mortgagee exclusion clause and the recycling provisions contained in the agreement H14-0720-18. Approved 13/12/21.

H14-0165-21 - Reserved Matters. Erection of 96 dwellings and associated works Approved 12/1/22.

H14-0420-22 - Section 73 Modification. Modification of condition 1 to allow amendments relating to a change of brick. Approved 15/7/22.

H14-0809-22 - Non-Material Amendment. Addition of condition to remove the Permitted Development Rights to convert the garages into additional living accommodation. Approved 16/08/22.

H14-0566-22 - Condition Compliance. Details of method statement detailing the remediation requirements for land contamination and pollution of controlled waters (Condition 8 part iii of H14-0720-18). Approved 17/8/22.

H14-1015-22 - Condition Compliance. Details of further ecology survey (Condition 5 of H14-0165-21). Approved 25/11/22.

Consultation Responses

Highway and Lead Local Flood Authority

"The details submitted to discharge condition 12 attached to H14-0720-18 are acceptable in accordance with approved drawings included within application H14-1165-22."

Planning Considerations

The relevant consultee has stated that the submitted details of finished surface levels are sufficient for Condition 12 to be discharged.

Conclusion

Condition 12 of H14-0720-18 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.