

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H17-0445-23 **Applicant:** RTW Construction & Developments Ltd

Proposal: Details of roads and footways (Condition 10 of H17-0236-20)

Location: Land To The West Of Coalbeach Lane South Surfleet Spalding

Terminal Date: 7th July 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

Condition compliance application to discharge Condition 10 of H17-0236-20, relating to the details of roads and footways.

Site Description

The site is within the settlement boundary of Surfleet, and is an allocated site referenced Sur016 in the SELLP, with an indicative site capacity of 44 dwellings. The area is currently used as agricultural land but is flanked by residential developments. The site is approximately 100 metres north-west of the river Glen.

Relevant History

H17-0236-20 - Full. Residential development of 60 dwellings. Approved 15/09/21.

H17-1138-21 - Section 73 Modification. Residential development of 60 dwellings - approved under H17-0236-20. Modification of Condition 2 to allow amendments to previously approved plans. Amendment to new developer house type drawings. Approved 29/11/22.

Consultation Responses

"No objection: The highway authority has issued Technical Approval for the design of the roads, footways and surface water drainage on this development and therefore does not wish to object to the confirmation of discharge of the 'specification' element of Condition 10. There does however remain an on-going obligation for the developer to comply with the requirement of Condition 10, to construct the carriageways and footways to binder course level between each and every dwellings and the public highway before occupation of that dwelling. By definition, that element of Condition 10 will be discharged only when the last property is occupied."

Planning Considerations

Condition 10

The relevant consultee from the Highways Department stated that they had no objection to the proposal. The design has already achieved Technical Approval from the Highway authority. As such, the proposal does satisfy the requirements of Condition 10.

Despite the proposal being acceptable, the nature of the condition means it cannot be discharged until the last property is occupied. Therefore, the proposal does adequately meet the requirement of Condition 10, however, in line with the advice given by the Highway authority, the condition cannot be discharge.

Conclusion

The proposal achieves the aims of Condition 10 and the details are acceptable.

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.