DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H23-0343-19**	**Applicant:**	**Haycroft Homes Ltd**
Proposal:	Details of roads and footways, design and location of cycle storage, Management Plan for open space and outdoor play areas and boundary treatment (Conditions 3, 12, 16, and 19 of H23-0761-17)		
Location:	High Road Whaplode Spalding		
Terminal Date:	23rd May 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
05	Meeting Physical Infrastructure and Service Needs
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

NPPF 2019

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application relating to H23-0761-17 which is seeking to discharge

Conditions 3, 12, 16 and 19 (Details of roads and footways, design and location of cycle storage, Management Plan for open space and outdoor play areas and boundary treatment)

Site Description

The site is located at the western end of Whaplode and is predominantly an open agricultural field but also comprises a part of the rear garden to 355 High Road. To the east of the site is 355 High Road which is a detached dwelling.

The enabling approval granted permission for the erection of 33 dwellings off High Road, Whaplode; the development comprises and access road, public open space and a mixture of dwellings ranging from 2 storey dwellings and bungalows with garages.

History

No other relevant site history.

Consultation Responses

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

Planning Considerations

Condition 3 specified that (except for the dwellings shown as accessed from a private drive arrangement on drawing number PD03 P6), before each dwelling is occupied the roads and/or footways providing access to that dwelling, for the whole of its frontage, from an existing public highway, shall be constructed to a specification, to first be submitted to and approved by the Local Planning Authority, to enable them to be adopted as Highways Maintainable at the Public Expense, less the carriageway and footway surface courses. A s.38 highway agreement was signed and completed on 11th June 2018 and the conditions of that agreement are compliant with the requirements of this condition.

Condition 12 specified that before the first occupation of the development hereby permitted the applicant shall submit to and have approved in writing by the Local Planning Authority details of the design and location of secure cycle storage for each dwelling on the site. No dwelling shall be occupied until the approved secure cycle storage has been provided and shall thereafter be retained. The applicant has submitted a statement which details the design and location of the secure cycle storage facilities. It is considered that the details are sufficient enough to be compliant with the requirements of this condition.

Condition 16 specifies that a management plan for the areas of publicly accessible open space and any outdoor play areas, including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwellings on site. The management of these areas shall be carried out in accordance with the details so approved. The applicant has submitted a detailed landscape management plan by Mr J Biggadike which addresses all matter specified in condition 16 to a standard considered acceptable by the Local Planning Authority.

Condition 19 specifies that prior to its installation, details of the proposed boundary treatment, including a schedule of materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use. The applicant has submitted a proposed finishes and enclosures site plan which details the boundary treatments, materials and planting types which are proposed fir the development. It is considered that the details provided are sufficient enough to comply with the specification of condition 19.

The County Council as Lead Local Flood Authority have no objections to the details provided for the s.38 highway agreement for condition 3 and the details provided for condition 12 with regard to the

cycle storage facilities.

Conclusion

It is considered that the submitted information is acceptable and that the conditions can be discharged in this instance.

Additional Considerations

Public Sector Equality Duty
In making your decision you 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 is only one factor that needs to be considered, and may be balance 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 your decision, you 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.

You are referred specifically to Article 8 (right to respect for private and family life), 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 interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.