DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H23-0594-22**	**Applicant:**	**Naylor Farms**
Proposal:	Residential Development (3 plots) - approved under H23-0980-17. Removal of Condition 7 relating to1.8m wide footpath.		
Location:	Adj. Saracen House Washway Road Saracens Head		
Terminal Date:	9th August 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
31	Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 9. Promoting sustainable transport.
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The site has outline planning permission and reserved matters approval for 3 no. 3 bed bungalows (ref. H23-0980-17 and H23-1087-20). This application is to remove condition 7 of outline planning permission ref. H23-0980-17 relating to the provision of a new 1.8m wide frontage footway.

Site Description

The site is located on the southern side of Washway Road on the eastern fringe of the village. Saracen House is located to the west and 3 no. 4 bed houses are under construction to the east. Residential development is located opposite.

Relevant Planning History

H23-0980-17 - Outline - Residential development (3 plots) - Granted 7 December 2017.

H23-1087-20 - RM - Erection of 3 Bungalows - outline approval H23-0980-17 - Approved 28 January 2021.

H23-1164-21 - Cond Comp - Details relating to archaeological investigation (Condition 8 of H23-0980-17) - Approved 20 December 2021.

Representations

Whaplode Parish Council

Support

LCC Highways/SUDS

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

No further comments.

Planning Considerations

The principle of three dwellings has already been established upon the site. The determining issue in this case is whether the frontage footway is necessary/justifiable on highway safety grounds.

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Policies 2 and 3 of the South East Lincolnshire Local Plan (SELLP), 2019 promote good design, which is a key aspect of sustainable development. The National Planning Policy Framework stresses that the only reasons for restricting or refusing development on highway grounds are if a proposal would have an unacceptable impact upon highway safety or a severe residual cumulative impact on the highway network.

Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has been consulted. It has indicated that consent has recently been granted, under reference H23-1101-21, for the removal of a similar frontage footway for the adjacent residential development to the east. That consent was granted due to the practicalities of providing the required frontage footway, given the existing narrow highway verge, the absence of any suitable outfall for disposing of highway surface water run-off, the presence of street lighting on this road and the potential for residents to step off the carriageway onto one of the property driveways if there should be a vehicle approaching.

Those same considerations apply to this application and therefore, having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the removal of condition 7 from the consent granted under reference H23-0980-17 would not be expected to have an unacceptable impact upon highway safety and does not wish to object to this planning application.

Conclusion

The omission of a frontage footway would not, in this situation, be expected to have an unacceptable impact upon highway safety. The proposal therefore accords with Policies 2 and 3 of the SELLP and advice within the Framework.

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.

Recommendation

That the application be approved under delegated powers.