

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H02-0706-20 **Applicant:** Longhurst Group

Proposal: Details of boundary treatment, management plan for public open space and landscape management and maintenance schedules (Conditions 6, 13 and 14 of H02-0723-16)

Location: Land East Of Crease Drove Crowland

Terminal Date: 24th December 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
30 Pollution

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of boundary treatment, management plan for public open space and landscape management and maintenance schedules (Conditions 6, 13 and 14 of H02-0723-16)

Site Description

As original application.

History

H02-0079-20 - Reserved matters application for the erection of 41 dwellings & associated works - outline approval H02-0723-16 (allowed on appeal) (approved June 2020)

H02-0723-16 - Outline application for residential development (allowed on appeal September 2017)

Consultation Responses

Crowland Parish Council - The Parish Council has inadequate technical knowledge to fully evaluate and therefore trust SHDC to ensure that the adverse impact on the community, of which there will be some, is minimised. This includes existing housing and community activities.

North Level IDB - No comment.

Planning Considerations

Condition 6 (Boundary treatment) - The proposed scheme of boundary treatment in so far as it relates to the 41 dwellings allowed at appeal - application ref. H02-0723-16 - remains the same as considered as part of reserved matters application H02-0079-20. When considered in the context of the submitted levels details (H02-0710-20 and H02-0708-20) there are no material concerns that would justify a need to depart from that proposed.

Condition 13 (Management plan for open space) - The management and maintenance of the publicly accessible open space will be the responsibility of a management company. It would be maintained in accordance with the submitted Landscape Management Plan, the details of which appear to be acceptable.

Condition 14 (Management and maintenance schedule for incidental open space, refuse/recycling and private drives) - These areas would be the responsibility of a management company. The areas of soft landscaping and private drives would be maintained in accordance with the submitted Landscape Management Plan, the details of which appear to be acceptable. The agent has advised that the refuse/recycling collection points would be cleaned on a 'needs must basis'. It is considered that some flexibility with regard to this is acceptable given that the level of cleaning required may vary.

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 6, 13 and 14 of H02-0723-16 can be discharged.