DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0527-22**	**Applicant:**	**Seagate Homes**
Proposal:	Details of private refuse/recycling collection and the management of the private drive and adjacent open space/landscaping (Condition 3 of H05-0664-21)		
Location:	Land East Of Holbeach Manor 2 Fleet Road Holbeach		
Terminal Date:	15th July 2022		

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 2021

Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

Details of private refuse/recycling collection and the management of the private drive and adjacent open space/landscaping (Condition 3 of H05-0664-21).

Site Description

As original application.

History

H05-0252-22 - Details of existing & proposed site levels, boundary treatments and details of construction of relevant areas for roadways/driveways & footpaths in the root protection area of trees/hedgerows to be retained (Conditions 5, 9 & 12 of H05-0664-21) (approved May 2022)

H05-1274-21 - Details of construction management plan & method statement and materials schedule (Conditions 8 and 14 of H05-0664-21) (approved January 2022)

H05-1207-21 - Details of private recycling & refuse collection, photographic record of water tower, tree planting & landscaping & external materials (Conditions 3, 4, 7 & 8 of H05-0664-21) (approved December 2021)

H05-0664-21 - Full - Residential development comprising 5 detached dwellings off private drive including retaining and converting existing water tower (approved September 2021)

Consultation Responses

Not applicable.

Planning Considerations

Condition 3 was previously discharged on the basis that the private drive and landscaped area to the west of that road would be the responsibility of a Management Company. Waste collection would also have been undertaken by that management company, on a biweekly basis. However, the proposal is now that the private drive will be jointly maintained by the 5 plot owners and the landscaping will be the responsibility of individual owners to whom it is conveyed. A private waste collection service would be provided by Veolia. This approach is 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.

Conclusion

Taking the above into account, it is considered that Condition 3 of H05-0664-21 can be discharged.