DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H08-0259-22**	**Applicant:**	**RTW Construction & Development**
Proposal:	Details of construction management plan & method statement and management & maintenance schedule for landscaping, refuse/recycling collection points & private drives (Conditions 2 and 8 of H08-0218-20)		
Location:	Site Adj. Silverdene Boston Road Gosberton		
Terminal Date:	4th May 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 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Details of construction management plan & method statement and management & maintenance schedule for landscaping, refuse/recycling collection points & private drives (Conditions 2 and 8 of H08-0218-20).

Site Description

As original application.

Relevant History

H08-0218-20 - Reserved Matters - Residential development - for up to 18 dwellings - Approved July 2020

H08-0866-18 - Outline - Residential development - for up to 18 dwellings - Approved March 2019

Consultation Responses

LCC Highways/SUDS - Does not wish to restrict the grant of permission. The details submitted to discharge conditions 2 and 8 attached to Decision Notice H08-0218-20 are acceptable in accordance with approved drawings and details with this application.

SHDC Environmental Protection - No response to consultation for this application but has raised no objection to the Construction Management Plan submitted as part of H08-0260-22 which contains the same details, only entitled differently.

Planning Considerations

Condition 2 - The relevant consultees have no objection to the details submitted in respect of this condition.

Condition 7 - The submitted details relating to the management & maintenance of landscaping, refuse/recycling collection points & private drives are acceptable. Areas of public open space are to be maintained by a management company, responsibility for the private drive at the east of the site will be shared by the property owners and the estate road will be adopted by the Highway Authority. All other areas of landscaping would be the responsibility of individual property owners. These are not unusual arrangements. The proposed maintenance schedule appears to be reasonable.

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 2 and 8 of H08-0218-20 can be discharged.