DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0325-22**	**Applicant:**	**Persimmon Homes East Midlands**
Proposal:	Details of Construction Management Plan & Method Statement (Condition 4 of H22-1249-21)		
Location:	Land North West Of High Road Weston Spalding		
Terminal Date:	23rd 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 15 - Conserving and enhancing the natural environment

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Details of Construction Management Plan & Method Statement (Condition 4 of H22-1249-21).

Site Description

As original application, except development has commenced.

History

H22-1249-21 - Full - Residential development for the erection of 150 dwellings and associated open space and infrastructure - re-submission of H22-1135-20 (approved March 2022)

Consultation Responses

SHDC Environmental Protection (noise and odour) - No objection to construction management plan.

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

Public (1 objection received, summarised)
- Bypass was designed and intended for heavy vehicles to eliminate high and heavy use through the village
- No condition imposed on application to prevent use of High Road and require access from bypass.
- We are now seeing and going to see the road broken and deteriorate, noisier, more traffic and dirtier
- No consideration was given to the existing residents and property owners in the area.

Planning Considerations

The Highway Authority and Council's Environmental Protection Officer have no objection the details of construction management and method statement.

In the opinion of the Highway Authority, it would be considerably less desirable for construction vehicles to access the site from the bypass which is an unrestricted road, whereas High Road is a 30mph road. High Road also used to be the main through road prior to the bypass being constructed and therefore there is no particular highway reason why it is not suitable for construction traffic.

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

Condition 4 of H22-1249-21 can be discharged.