DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H22-0676-19**	**Applicant:**	**South Holland District Council**
Proposal:	Details submitted relating to landscaping and estate roads (Conditions 5 and 12 of H22-0398-18)		
Location:	Land Off Small Drove Weston Spalding		
Terminal Date:	3rd September 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 9, 12 and 15

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

The application is to discharge conditions 5 (landscaping) and 12 (estate roads) of H22-0398-18.

Site Description

The site (some 0.82ha) is located on the eastern side of Small Drove to the south of the junction with Delgate Avenue. It previously accommodated 10 bungalows which were last used for the accommodation of homeless people.

Existing residential development is located to the north, to the east off Delgate Avenue and also to south. Agricultural land is situated to the east. Weston St Mary Primary School is located opposite.

History

H22-0398-18 - Residential development comprising 34 dwellings, Land off Small Drove, Weston - Granted 2 August 2018.

Consultation Responses

LCC Highways/SUDs - Do not wish to restrict the grant of permission.

Planning Considerations

Landscaping - The landscape masterplan indicates that the design rationale is to use planting to provide an attractive setting and soft foil for new dwellings. It includes new tree and shrub planting and is considered to be acceptable.

Estate Road - The submitted details have been assessed by LCC Highways/SUDs and are considered to be acceptable.

Additional Considerations

Public Sector Equality Duty

In making your decision you 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 is only one factor that needs to be considered, and may be balance 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 your decision, you 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.

You are referred specifically to Article 8 (right to respect for private and family life), 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 interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.