

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H01-0230-23 **Applicant:** Ark Property

Proposal: Details of external materials, construction management, storage & disposal of refuse & recycling and proposed boundary treatment. (Conditions 6, 12, 14 and 16 of H01-0823-19)

Location: Land Off Stonegate Cowbit Spalding

Terminal Date: 4th May 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
30	Pollution
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving well designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This application is to discharge the following condition of application H01-0823-19:

Condition 6 - Details of External Materials

Condition 12 - Construction Process Management Plan

Condition 14 - Details of the Storage and Disposal of Refuse and Recycling

Condition 16 - Details of Boundary Treatments

Site Description

The site is located on an overgrown, disused section of railway yard. The site is within the northern tip of the settlement boundary of Cowbit as outlined in the South-East Lincolnshire Local Plan. The immediate area is characterised by a neglected former railway yard. To the south, east, and north are residential areas. To the west is an area of farmland.

Relevant History

H01-0220-23 - Condition Compliance. Details of contamination of land or pollution of controlled waters (Conditions 13(i) & 13(ii) of H01-0823-19). Ongoing.

H01-1162-22 - Condition Compliance. Details of cycle storage (Condition 2 of H01-0820-22). Approved 13/12/22.

H01-1144-22 - Condition Compliance. Details of external materials, construction management, storage and disposal of refuse and recycling and boundary treatments (Conditions 6, 12, 14 and 16 of H01-0823-19). Refused 16/01/23.

H01-0820-22 - Reserved Matters. Erection of 5 Dwellings - outline approval H01-0823-19. Approved 02/11/22.

H01-0823-19 - Outline. Erection of five residential dwellings. Approved 21/1/20

Consultation Responses

Highway and Lead Local Flood Authority

"No objection. The details submitted to discharge conditions for Details of external materials, construction management, storage & disposal of refuse & recycling and proposed boundary treatment. (Conditions 6, 12, 14 and 16 of H01-0823-19) are acceptable in accordance with approved drawings and details submitted with this application."

Environmental Protection

"No objection to Construction Method Statement"

Planning Considerations

Condition 6 - Details of External Materials

The proposed external materials are an Ibstock Ivanhoe Cottage Blend facing brick and Wienerberger Calderdale Edge Light Grey concrete roof tiles.

The submitted materials are considered to be in keeping with the general character of Cowbit and would ensure the development does not create contrast with the existing properties.

The submitted details are considered acceptable.

Condition 12 - Construction Process Management Plan

The consultee from the Highways department has raised no objections to the construction process management plan. Concerns were previously raised by the Environmental Protection department regarding dust arising from construction; however, these concerns have been addressed via an updated construction method statement.

The submitted details meet the requirements of condition 12, and therefore, the condition can be discharged.

Condition 14 - Details of the Storage and Disposal of Refuse and Recycling

Each home is to be provided with 240 litre external wheelie bins, kept within private gardens. All residents will be part of a Management Company who will employ operatives to transfer the bins to the kerbside at the bottom of the private drive. The wheelie bins will then be emptied at the kerbside on the day of collection, where refuse would then be collected by the council. The wheelie bins would then be returned to the private gardens.

The submitted details are acceptable, and therefore, the condition can be discharged.

Condition 16 - Details of Boundary Treatments

The eastern and northern boundaries are to be delineated by 1.8-metre-high close board fencing. Property boundaries will be defined by the same style of fencing. To the west an existing rail fence is to be maintained.

The submitted details are considered acceptable.

Conclusion

Condition 6, 12, 14 and 16 of H01-0823-19 can be discharged.

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.