

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H01-0921-24 **Applicant:** 713 Homes Ltd

Proposal: Details of external materials of construction of buildings & hard surfaced areas, photographic building recording report, Biodiversity Net Gain Plan, scheme of landscaping & tree planting, contamination of land or pollution of controlled waters, surface water disposal, foul water disposal, site & floor levels, prevent the deposit of mud on public highways by vehicles travelling from the site during construction, frontage footway extended North to make connection at the access, with a suitable pedestrian crossing points with tactile paving to make connection with the existing footway on the opposite side of Mill Drove South & external boxes for gas & electricity supplies & of any gas flues & soil vent pipes (Conditions 3, 7, 8, 9, 11, 13, 14, 15, 18, 21 & 22 of H01-0509-23)

Location: Pumping Station Mill Drove South Cowbit

Terminal Date: 30th December 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
29	The Historic Environment
30	Pollution

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework (December 2023)

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This application relates to the submission of details reserved by condition, following the grant of planning approval reference H01-0509-23.

This application seeks approval for details relating to conditions 3, 7, 8, 9, 11, 13, 14, 15, 18, 21 & 22 of planning approval H01-0509-23.

These conditions relate to Materials, Full Photographic Building Recording Report, Biodiversity Net Gain Plan, Scheme of Landscaping & Tree Planting, Contamination, Surface Water Disposal, Foul Water Disposal, Site & Floor Levels, Deposit of Mud on Public Highways, Frontage Footway Extension, and External Boxes for Gas & Electricity supplies.

Site Description

The application site, to the west of Mill Drove South, forms part of a wider area of brownfield land, formerly used as a railway yard associated with the defunct line that ran through the site.

The land was left unused for a number of years; albeit, it appears that development has been commenced on site. The site of the proposed development is within Flood Zones 1 as shown on the Environment Agency's Flood Zone maps.

It is also noted that the site located to the north has also been subject to permission for residential development.

History

H01- 0871-18 - Outline - Residential development - up to 45 dwellings, including re-alignment of Mill Drove to Stonegate Road junction - Approved 15.03.2019

H01-1170-22 - Outline - Residential Development - Approved 16.03.2023

H01-0509-23 - Full - Proposed Residential Development of Four Detached Dwellings - Approved 22.11.23

H01-0098-24 - Prior Approval App - Conversion of Barn to Dwelling - Approved 23.04.2024

H01-0076-24 - Discharge of Conditions - Details of written scheme of archaeological investigation, verification report & construction management (Conditions 4, 12 & 17 of H01-0509-23) - Discharged 26.03.2024

Consultation Responses

The responses received from consultees during the consultation exercise would typically be provided in their entirety through the South Holland website, with a clear summary provided within this report; however, in this instance, given the clear concerns and issues arising through the details submitted as part of this application, no consultation responses have been sought or subsequently received.

Understanding of Recent Site History

The application site, as detailed above, has been subject to recent applications, of which two have notable impacts upon one another, in the form of references H01-0509-23 and H01-0098-24.

In short, H01-0509-23 comprises a Full Planning Application for the 'Residential Development of Four Detached Dwellings', which was approved on 22.11.23. This application required the

demolition of an existing building on site, often referred to as the 'Engine Shed' or 'Pumping station'. This building is considered a Non-Designated Heritage Asset; however, its demolition had previously been permitted under a wider scheme (H01- 0871-18), comprising additional land and an increased quantum of development.

This application initially sought permission for the erection of five detached dwellings. However, following verbal and in-person discussions regarding the scheme, an amendment was forthcoming which reduced the quantum of development to four dwellings, along with amendments to the design of the proposed dwellings.

A Class Q Prior Approval was later submitted under reference H01-0098-24, comprising the conversion of this existing building to a dwelling, with the submission demonstrating an agricultural use of the site. This application was subsequently approved on 23.04.2024.

It is noted that the development approved under reference H01-0509-23, cannot be constructed in its entirety, should the existing Engine Shed be retained on site. This is largely due to the fact that the northernmost plot is sited within the area currently taken by the existing Engine Shed.

Recent discussions have been had between officers at the Local Planning Authority and the applicant's agent, where it was confirmed that:

- Conditions 3, 9 and 13 of planning approval H01-0509-23, have not been discharged and remain outstanding.
- The following conditions remain outstanding and have not been discharged: Conditions 3, 5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 18, 19, 21, and 22.

In addition to this, the Local Planning Authority also highlighted the potential conflict and concerns relating to a potential Discharge of Conditions submission within the same correspondence. In this regard, it was advised and confirmed in writing that:

- These conditions relate to the development as a whole and as such, require details, as requested within each condition, for the entirety of the development.
- These conditions are not phased and do not individually reference each plot; therefore, details for all four dwellings would be required, to satisfy the conditions.
- Details for three dwellings would not be sufficient for the Local Planning Authority to discharge the relevant conditions.

It was concluded that the Local Planning Authority could not confirm that the construction of three of the four dwellings could be lawfully constructed 'at this moment in time'. This was expanded by detailing that this was 'to the contrary, as "it is the Local Planning Authority's position that it would appear seemingly difficult for the conditions attached to approval reference H01-0509-23, to be discharged, should only three dwellings be constructed with the Engine Shed being retained"'.

It is noted and understood that the preference on site is for the existing Engine Shed to be retained. In this regard, when viewed in isolation, the Local Planning Authority would agree that the retention of this building is clearly a benefit and is a matter that would be welcomed, with this building being a non-designated heritage asset.

However, the matter to be considered in this instance is the acceptability of the details put forward in relation to Conditions 3, 7, 8, 9, 11, 13, 14, 15, 18, 21 & 22 of planning approval H01-0509-23.

Condition Agreement under Reference H01-0509-23

The consideration and assessment of planning application reference H01-0509-23 took place between 07th July 2023 and 21st November 2023. During this process, three amendments were submitted, comprising changes to the built form and quantum of development, along with additional alterations sought by consultees. During this, an in-person meeting also took place to discuss the need to reduce the quantum of development and alter the design.

Beyond this, correspondence can also be retrieved whereby all conditions that were recommended for application reference H01-0509-23 by officers, were agreed in writing by the applicant - dated 16th November 2023.

As such, all conditions attached to planning approval H01-0509-23, including those that do not require formal agreement (conditions beyond pre-commencement conditions), as shown on the formal decision notice, were reviewed and agreed in writing prior to the decision being issued.

Planning Considerations

The application is to discharge conditions 3, 7, 8, 9, 11, 13, 14, 15, 18, 21 & 22 of planning approval H01-0509-23.

These conditions relate to Materials, Full Photographic Building Recording Report, Biodiversity Net Gain Plan, Scheme of Landscaping & Tree Planting, Contamination, Surface Water Disposal, Foul Water Disposal, Site & Floor Levels, Deposit of Mud on Public Highways, Frontage Footway Extension, and External Boxes for Gas & Electricity supplies.

Condition Details

Condition 3 - Materials

Condition 3 of planning approval reference H01-0509-23 states the following:

"Prior to the commencement of any development hereby permitted, a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority.

The schedule of materials shall be accompanied by a statement, detailing the use of materials from the 'Engine Shed' to be demolished, along with a detailed statement outlining the method of retaining such materials. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019".

Condition 3 requires the submission of external materials, including "a schedule of external materials of construction of buildings and hard surfaced areas", and specifically requires the submission to be "accompanied by a statement, detailing the use of materials from the 'Engine Shed' to be demolished, along with a detailed statement outlining the method of retaining such materials".

The details submitted in respect of Condition 3 comprise solely a list of written materials to be used. These state that the materials would include:

- 65mm TBS Old Cottage Blend Bricks
- Marley Dark Grey Interlocking Tiles
- Indian Stone for Patios and gravel Drives

Whilst it has not been specifically stated, it is reasonable to assume that these materials are proposed for each of the dwellings illustrated within drawing no.DHH-0614-23-02C. However, this drawing indicates only three of the four dwellings approved under reference H01-0509-23 and as such, no details of the northernmost plot have been provided.

Condition 3 is clear in that, in addition to a schedule of external materials of construction of buildings and hard surfaced areas, "a statement, detailing the use of materials from the 'Engine Shed' to be demolished, along with a detailed statement outlining the method of retaining such materials", must also accompany the submission for this condition. This was to ensure that the materials used within the Engine Shed are reused where possible. The condition also details the need for the development to be carried out in accordance with the 'approved details', once the condition has been discharged.

However, the submitted details solely state the 'new' materials to be used within the construction of the development. As such, the information provided fails to provide the details specifically required and sought by Condition 3. In any event, the submitted details only illustrate those to be used for three of the four dwellings, with the northernmost plot not being shown on the submitted drawing.

As such, the details provided for Condition 3 are insufficient and unacceptable. Therefore, Condition 3 should not be discharged.

Condition 7 - Full Photographic Building Recording Report

Condition 7 of planning approval reference H01-0509-23 states the following:

"Prior to commencement of the development hereby approved, a full photographic building recording of the site shall be carried out which contains:

1. A general view or views of the building in its wider setting.
2. The building's external appearance.
3. The overall appearance of the principal rooms and circulation areas.
4. Any external or internal detail, structural or decorative, which is relevant to the building's design, development and use, with scale where appropriate.
5. Any machinery or other plant, or evidence for its former existence.
6. Any dates or other inscriptions; any signage, makers' plates or graffiti which contribute to an understanding of the building. A transcription should be made wherever characters are difficult to interpret.
7. Any fixtures and fittings.
8. Copies of maps, drawings, views and photographs, present in the building and illustrating its development or that of its site.

This photographic building recording should also contain a written account which provides the precise location of the property as an address and in the form of a National Grid Reference, A note of any statutory designations, the date of recording with the name(s) of the recorder(s) and the location of any archive material.

Thereafter, the photographic building recording report shall be submitted to and approved in writing by the Local Planning Authority and submitted to the Lincolnshire County Council Historic Environment Record for archiving within 3 months of completion.

Reason: To ensure that the heritage significance of the host property is properly recorded in its undeveloped state.

This Condition is imposed in accordance with Section 16 of the National Planning Policy Framework 2023".

The submitted application seeks approval of details relating to Condition 7. This condition requires the submission of a 'full photographic building recording of the site', which must contain specific detail as advised above.

However, in this instance, an application form and a single drawing (DHH-0614-23-02C) has been provided, neither containing any details in relation to Condition 7.

As such, the details provided for Condition 7 are insufficient. Therefore, Condition 7 should not be discharged.

Condition 8 - Biodiversity Net Gain Plan

Condition 8 of planning approval reference H01-0509-23 states the following:

"Prior to the commencement of the development hereby permitted beyond oversight, a Biodiversity Net Gain Plan to demonstrate a net gain in biodiversity on-site shall be submitted to, and approved in writing by, the Local Planning Authority. This shall be supported by a Biodiversity Management Plan setting out how the biodiversity enhancements will be managed and monitored for the lifetime of the development.

Note: Development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat and barn owl roost boxes and integrating nesting opportunities into buildings. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species.

Reason: To ensure that the development is able to deliver a net gain in biodiversity.

This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in the National Planning Policy Framework, 2023".

Condition 8 requires the submission of a Biodiversity Net Gain Plan, as detailed above. The submission and determination of application H01-059-23 took place prior to the introduction of the mandatory Biodiversity Net Gain requirements. The condition was attached to ensure the developments compliance with Policy 28 of the South East Lincolnshire Local Plan (2019), which specifically requires all development proposal to provide a net gain.

However, in this instance, no details have been provided in relation to Biodiversity Net Gain, as required by Condition 8.

As such, the details provided for Condition 8 are insufficient and unacceptable. Therefore, Condition

8 should not be discharged.

Condition 9 - Scheme of Landscaping & Tree Planting

Condition 9 of planning approval reference H01-0509-23 states the following:

"Before the commencement of the development hereby permitted beyond oversight, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site (including screening of bin collection points) indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out and completed in its entirety during the first planting season following practical completion of the development. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

NOTE: The submitted landscaping proposals shall demonstrate that Biodiversity Net Gain will be achieved on site, using the Biodiversity Metric 3.1 (or any successor).

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set, and that Biodiversity Net Gain will be achieved.

This Condition is imposed in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan, 2019 and the Environment Act 2021".

The details submitted in respect of Condition 9 comprise a written list of materials to be used, including:

- All gardens laid to lawn
- Indian stone patios and footpaths
- Gravel drives

These details were stated on drawing no.DHH-0614-23-02C, along with a single annotation which is directed to the middle of the rear gardens for each plot. Beyond this, no further details have been provided and the extent and area covered by each of the proposed landscaped areas has not been provided. The details are both lacking and unclear.

As such, the information provided is not considered to sufficiently provide the details required and sought by Condition 9.

In addition to this, the submitted details solely illustrate those to be used for three of the four dwellings, with the northernmost plot not being shown on the submitted drawing.

As such, the details provided for Condition 9 are insufficient and unacceptable. Therefore, Condition 9 should not be discharged.

Condition 11 - Contamination

Condition 11 of planning approval reference H01-0509-23 states the following:

"The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA).

The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:

- i) A preliminary risk assessment (desk study) shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). A full copy of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.
- ii) If identified as being required following the completion of the desk-top study, an exploratory site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed end use. A full copy of the site investigation and findings shall be forwarded to the LPA without delay upon completion.
- iii) Thereafter, a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be

submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.

No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019".

Condition 11 requires the submission of a scheme for contamination, as detailed above. However, in this instance, no details have been provided in relation to Contamination, as required by Condition 11.

As such, with no details having been provided for Condition 11, these are insufficient and unacceptable. Therefore, Condition 11 should not be discharged.

Condition 13 - Surface Water Disposal

Condition 13 of planning approval reference H01-0509-23 states the following:

"Before the commencement of the development hereby granted beyond oversite, full details of the means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained, to avoid pollution, and to prevent increased risk of flooding.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2023".

The submitted details state that the surface water would be discharged to individual soak aways within the boundary of each plot. However, the condition requires full details, with those stated on drawing no.DHH-0614-23-02C failing to illustrate the location of the soak aways, nor providing any further information.

As such, the information provided is not considered to sufficiently provide the details required and sought by Condition 13.

As such, the details provided for Condition 13 are insufficient and unacceptable. Therefore, Condition 13 should not be discharged.

Condition 14 - Foul Water Disposal

Condition 14 of planning approval reference H01-0509-23 states the following:

"Before the commencement of the development hereby granted, details of the means of foul water disposal shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use.

Reason: To ensure that the site is adequately drained and to avoid pollution.

This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019".

The submitted details state that the foul water would be discharged to the foul water mains. However, the condition requires full details, with those stated on drawing no.DHH-0614-23-02C failing to go beyond the simple written indication of the proposed means of drainage.

As such, the information provided is not considered to sufficiently provide the details required and sought by Condition 14. As such, the details provided for Condition 14 are insufficient and unacceptable. Therefore, Condition 14 should not be discharged.

Condition 15 - Site & Floor Levels

Condition 15 of planning approval reference H01-0509-23 states the following:

"Before the commencement of the development hereby permitted, full details of the existing and proposed site levels and proposed floor levels of the buildings, hard surfaced areas and garden/amenity areas, including any mitigation measures arising as a consequence (for example increased height of boundary treatment), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained in accordance with the details so approved.

Note: Site levels and finished floor levels have not been approved. Where levels are raised above existing ground levels, the submission shall be supported by cross-sectional drawings showing the relationship with adjoining uses and buildings to enable the Local Planning Authority to be satisfied that sufficient mitigation measures will be in place.

Reason: To reduce the risk of flooding of the development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works and to ensure that the Local Planning Authority retains control over the finished site and floor levels of the development, in the interests of the amenity of adjacent residents and its visual and architectural relationship with adjacent development.

This Condition is imposed in accordance with Policy 2, 3 and 4 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 14 of the National Planning Policy Framework, 2023".

The submitted information, as detailed on drawing no.DHH-0614-23-02C, states that the finished floor levels would be 3.33OD, resulting in a "300mm above finished ground floor level".

Although unclear, it is assumed that the details mean that the finished floor level, at ground floor, would be raised 300mm above existing site levels; although, this is unclear.

In any event, the condition is clear in requiring full existing and proposed details, including:

- site levels
- proposed floor levels of the buildings
- proposed levels of the hard surfaced areas and garden/amenity areas
- any mitigation measures arising as a consequence (for example increased height of boundary treatment)

As such, in addition to the lack of clarity in the details provided, the information is significantly lacking in respect of the details specifically required by Condition 15.

Therefore, the details provided for Condition 15 are insufficient and unacceptable. Therefore, Condition 15 should not be discharged.

Condition 18 - Deposit of Mud on Public Highways

Condition 18 of planning approval reference H01-0509-23 states the following:

"Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before commencement of the construction of the development and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development.

Reason: In the interests of highway safety during the construction process. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policy 3 of the South East Lincolnshire Local Plan, 2019".

Condition 18 was initially requested within the consultation response received by Lincolnshire County Council, as Local Highway Authority, and was subsequently attached to the approval. The condition requires the submission of a precautionary means to be taken to prevent the deposit of mud on public highways by vehicles.

However, in this instance, no details have been provided in relation to Condition 18. As such, the details provided are insufficient and unacceptable. Therefore, Condition 18 should not be discharged.

Condition 21 - Frontage Footway Extension

Condition 21 of planning approval reference H01-0509-23 states the following:

"The development hereby permitted shall not be occupied before a frontage footway (with dimensions to be agreed) and to be extended further North to make connection at the access for application shown on H01-1204-22, with a suitable pedestrian crossing points with tactile paving to make connection with the existing footway on the opposite side of Mill Drove South, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Reason: To ensure the provision of safe and adequate pedestrian access to the permitted development, without increasing flood risk to the highway and adjacent land and property.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019".

Notwithstanding the requirements of the condition, and the submitted application form stating that it is seeking approval for Condition 21, in this instance, no details have been provided in relation to Condition 21. As such, Condition 21 should not be discharged.

Condition 22 - External Boxes for Gas & Electricity supplies

Condition 22 of planning approval reference H01-0509-23 states the following:

"Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and there shall be no variation from the details so approved.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019".

The details submitted in respect of Condition 22 comprises written confirmation of the broad locations of electric meter boxes and gas meter boxes. However, these state that they are to be "positioned on side of entrance" and "ground level adjacent E/meter" respectively.

These details were stated on drawing no.DHH-0614-23-02C, along with a annotations of the 'connection to mains road'. However, beyond this, no further details have been provided and the exact position and 'design' has not been provided.

As such, the information provided is not considered to sufficiently provide the details required and sought by Condition 22.

In addition to this, the submitted details solely illustrate those to be used for three of the four dwellings, with the northernmost plot not being shown on the submitted drawing.

As such, the details provided for Condition 22 are insufficient and unacceptable. Therefore, Condition 22 should not be discharged.

Other Matters

It is noted that the submitted drawing, DHH-0614-23-02C, comprises the following drawing title: "Proposed Block Plan to discharge conditions 3, 9, 13, 14, 15, 16 & 22". However, the drawing title does not dictate the conditions in which the Local Planning Authority assess and this must be taken from the formal submission by the applicant/agent, in the form of the submitted application form.

The submitted application form specifically asks the following question: "Please state the condition number(s) to which this application relates". In response, the submitted application form states that the condition numbers that are sought for approval are: Condition Number(s) 3, 7, 8, 9, 11, 13, 14, 15, 18, 21 & 22.

The submission has been assessed based on the details requested within the formal application form.

In any event, the details required by the conditions within the drawing title, provided solely relating to Conditions 3, 9, 13, 14, 15 & 22 are not considered to be acceptable as expressed above. In addition, whilst the details relating to Condition 16 (Boundary Treatments) have not been assessed formally, given that the submitted application form does not seek there formal consideration, the information submitted as part of this application relating to this condition would be inadequate and would have been recommended for refusal in any event.

To clarify, Condition 16 does not form part of the formal consideration or determination of this application. This application has been determined in respect of Conditions 3, 7, 8, 9, 11, 13, 14, 15, 18, 21 & 22 only, as requested by the formally submitted Application Form.

Conclusion

In conclusion, for the reasons outlined above, it is considered that the details submitted in relation to Condition 3, 7, 8, 9, 11, 13, 14, 15, 18, 21 & 22 comprise a lack adequate information and/or comprise unacceptable detail, and/or provide no details at all. As such, it is the recommendation that these conditions are refused and not 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.