DECISION DELEGATED TO HEAD OF PLANNING
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Application No: H01-1144-22 **Applicant:** Ark Property

Proposal: 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)

Location: Land Off Stonegate Cowbit Spalding

Terminal Date: 24th January 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution

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 former railway yard. To the south, east, and north are residential areas while to the west is an area of farmland.

Relevant History

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

Consultation Responses

Highway and Lead Local Flood Authority

No objection. The parts of the submitted Construction Management Plan drawing that relate to vehicle parking, materials storage and workforce welfare accommodation are acceptable to the highway authority and the authority does not therefore wish to object to this Application.

Environmental Protection

The CMP does not provide sufficient information, but we would advise that suitable provision is made for dust prevention in the event of dry conditions, and that burning is not permitted on site, to protect amenity of nearby residents.

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 relevant consultees have raised not objected to the construction process management plan. However, concerns have been raised that suitable provisions for dust prevention be installed and that no burning occur on site. As the plan currently does not deal with this, the condition cannot be discharged.

Therefore, the condition cannot be discharged until a sufficient strategy be submitted for the prevention of dust in the event of dry conditions.

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

Each property is to be given private external bins for refuse and recycling collection. A small, paved area is provided for external bin storage. The bins are to be moved, on the day of collection, to a communal collection point to the front of the site. For the property at Plot 1, this would involve moving the external bin roughly 175 metres, to the front of the site, on collection day. This greatly exceeds the 30-metre maximum transportation distance set out in the council's guidance note on private drives.

Therefore, the waste management plan is deemed unacceptable.

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

The details of refuse disposal are deemed unacceptable, therefore, condition 14 cannot be discharged.

The construction management plan is also deemed unacceptable, therefore condition 12 cannot be discharged.

The recommendation is therefore for delegated refusal.

Condition 6 and 16 would be in a position to be discharged if all other condition details were similarly acceptable.

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.