

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H01-1162-22 **Applicant:** Ark Property
Proposal: Details of cycle storage - (Condition 2 of H01-0820-22)
Location: Land Off Stonegate Cowbit Spalding
Terminal Date: 26th January 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 9- Promoting sustainable transport

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

BJProposal

This application is to discharge condition 2 of application H01-0820-22, pertaining to cycle storage.

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

H01-0820-22 - Reserved matters for the erection of five residential dwellings. Approved 4/11/22.

H01-0823-19 - Outline approval for the development of five residential dwellings. Approved 21/1/20.

Consultation Responses

N/A

Planning Considerations

Condition 2 - Details of cycle storage

Sheffield cycle stands, with space for a minimum of one cycle, are to be fitted outside all properties. This should sufficiently meet the needs of the dwellings.

The submitted details are, therefore, considered acceptable.

Conclusion

The submitted details are considered to be acceptable to discharge Condition 2 of H01-0820-22.

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.