

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-1063-21 **Applicant:** Burmor Construction Ltd

Proposal: Details of final report relating to storage & disposal of refuse & recycling, external illumination and scheme of sound insulation for air conditioning & chiller units (Conditions 10, 14 & 15 of H04-0208-20)

Location: Land East Of Church Street And South Of Bicker Road Donington

Terminal Date: 7th March 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
29	The Historic Environment
30	Pollution

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of final report relating to storage & disposal of refuse & recycling, external illumination and scheme of sound insulation for air conditioning & chiller units (Conditions 10, 14 & 15 of H04-0208-20).

The application has been revised since submission and Condition 8 (archaeological report) excluded.

Site Description

As host consent.

History

H04-0208-20. FULL. Erection of 2 retail units, car park, landscaping and associated works including demolition of existing buildings. Approved. 16-11-20

Consultation Responses

SHDC Environmental Protection

No objection regarding any aspects.

Planning Considerations

Condition 10

"No part of the development hereby permitted shall be occupied before details of the means of storage and disposal of refuse and recycling have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before any of the development is brought in to use and shall thereafter be retained."

The bin storage area is to be located within the service area and is considered to be acceptable. The means of disposal are described in the application.

Condition 14

"Details of the external illumination of all buildings and areas of the site including details of luminance and fields of illumination shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of those buildings and areas and there shall be no external illumination other than that so approved."

The lighting plan and details has been considered by Environmental Protection and is considered to be acceptable.

Condition 15

"Before the development hereby permitted is first brought into use, the associated plant/machinery, air conditioning and chiller units shall be enclosed with sound-insulating material in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority. The plant/machinery and chiller units shall be installed and retained in accordance with the approved details."

The details are considered to be acceptable.

Conclusion

Approve.

In the light of the consultation responses received from the SHDC Environmental Protection Service it is considered that the proposals accord with Policies 2, 3 and 30 of the SELLP.

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.