

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0137-21 **Applicant:** Mr P Bradley

Proposal: Details of removal of dog waste (Condition 4 i of H09-0369-20) - approved on Appeal

Location: 11 Sluice Road Holbeach St Marks Spalding

Terminal Date: 7th April 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

Representations:

	Object	Support	No Obj.	Comments
--	--------	---------	---------	----------

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application that seeks permission for details of removal of dog waste (Condition 4.i of H09-0369-20)

The keeping of more than 6 dogs was approved via Appeal Decision (planning application ref. H09-0369-20) at 11 Sluice Road, Saracens Head, Spalding.

Site Description

The site sits within a small cluster of frontage residential properties and there are further clusters to the north and south. The wider setting is rural in character.

The property is a two-storey semi-detached house adjoining No. 12 Sluice Road. There are also 4 other residential properties within 130 metres of the site.

The curtilage of the property is fairly spacious. The site levels are visibly lower than the highway. The property is confined to the northern part of the curtilage. A timber shelter structure formerly used for storage is close to the house and positioned along the eastern boundary. Further to the south, there is a wooden kennel unit. An old outbuilding is on the edge of the drive towards the southern boundary. To the rear, there are further kennels.

Mature trees forms a hedgerow on the eastern and southern boundaries of the site so that there is no direct views from the road or adjacent land.

History

H09-0369-20 - Use of site for keeping of more than 6 dogs (retrospective) - Approved via Appeal Decision

Consultation Responses

None.

Planning Considerations

Condition 4.(i) of the Appeal Decision APP/A2525/W/20/3258203 and APP/A2525/C/20/3258376 states the following:

"4. The use hereby permitted shall cease within six months of the date of failure to meet any one of the requirements set out in i) to iv) below:

i. Within two months of the date of this decision a scheme for the removal of dog waste shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation"

The applicant has submitted a copy of the contract with a pet waste company for waste collection. The scheme description states that a 140-litre capacity bin is provided. All waste to be bagged up and no liquid in it. Collections will be on a monthly basis.

Planning Balance

The waste collection scheme is considered to be appropriate in view of the collection frequency and number of dogs on site. No significant odours would occur providing that dog waste is removed as detailed.

Conclusion

That Condition 4.(i) of H09-0369-20 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.