

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0523-24 **Applicant:** Stirlin Sadler Road SPV LLP

Proposal: Details of external materials (Condition 2 of H09-1119-22)

Location: South Lincolnshire Food Enterprise Zone Land Off Cibus Way Holbeach

Terminal Date: 6th August 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge conditions 2, attached to planning approval H09-1119-22, relating to the need to submit details of external materials.

Planning approval H09-1119-22 granted reserved matters approval for the erection of 12 commercial units with associated access road and parking spaces.

Site Description

As detailed within the previously approved application (H09-1119-22), the application site lies to the west of the A151, being sited to the south off Cibus Way, the access road provided to serve phase 1 of the Food Enterprise Zone.

The site lies immediately north of Rose View Drive, a residential area consisting of gypsy/traveller pitches. There is a sparse hedge separating the application site from Rose View Drive.

History

H09-0934-19. Reserved Matters to Local Development Order in relation to construction of additional road to facilitate future development of Phase 1 - APPROVED on 31-10-19.

H09-1119-22 - Reserved Matters - Erection of 12 commercial units with associated access road and parking spaces - Approved on 27-02-24.

Consultation Responses

No consultation responses gained.

Planning Considerations

This application relates to condition 2 of planning approval H09-1119-22.

Condition Details

Condition 2

Condition 2 of planning approval H09-1119-22 states:

Before the commencement of the development hereby permitted beyond oversite a schedule of external materials of construction of buildings shall be submitted to and approved in writing by the Local Planning Authority. 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.

The external materials detailed include:

- One course above damp proof course - smooth engineering brickwork
- Anthracite Grey Composite system horizontally laid to front (RAL 7016)
- Goosewing Grey Composite system vertically laid to side and rear (RAL 7038)
- Goosewing Grey Composite system roof panels (RAL 7038)

The details submitted are considered to be suitable for the development proposed.

Conclusion

The details in relation to condition 2 are acceptable and can 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.