DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-1119-21**	**Applicant:**	**Miss H Wheatley**
Proposal:	Details of method of storage & disposal of waste and means of surface water disposal (Conditions 3 & 4 of H09-0237-21)		
Location:	8 Clough Road Holbeach Clough Spalding		
Terminal Date:	29th December 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
30	Pollution

National Guidance

National Planning Policy Framework 2021

Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.

Representations:

	Object	Support	No Obj.	Comments
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The following conditions of application H09-0237-21:

Condition 3 - Disposal of Manure from Stables

Condition 4 - Surface Water Disposal Details

Site Description

The site is part of ribbon development comprising pairs of semi-detached properties sitting in long linear narrow sites. The frontage is on the eastern side of Clough Road. Opposite the countryside road, there are open agricultural fields as well as further to the east.

The property is a traditional 'brick-and-tile' two-storey semi-detached property. Very mature tall conifer hedgerow with some timber fencing heavily conceals the house from the road. The site access is adjacent to the southern boundary that leads to a paved drive with turning point to the side elevation of the house. The rear garden is bounded with nearly 2 metre high timber close board fencing.

History

H09-0237-21 - Erection of stable/equine shelter - retrospective - Approved

H09-0883-19 - Proposed single-storey front and two-storey side extension - Approved

Consultation Responses

South Holland Internal Drainage Board

The proposed application does not meet our threshold for commenting as per our Planning and Byelaw Strategy. Therefore the Board has no comments to make.

SHDC Environmental Protection

No objections.

Planning Considerations

Condition 3 - Disposal of Manure from Stables

Manure and waste from the stable is kept at the furthest point of the property away from both neighbouring houses, as shown on the submitted plan. All waste is proposed to be removed by local farmers either on a yearly basis or when there is deemed to be a full load ready. This is considered acceptable and Environmental Protection has not raised any objections therefore condition 3 can be discharged.

Condition 4 - Surface Water Disposal Details

Surface water run off is proposed to a soakaway located at least 3 metres from the neighbouring properties. Given no drainage concerns were raised during the original application this is considered acceptable therefore condition 4 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.

Conclusion

Taking the above into account, it is considered that Conditions 3 and 4 of application H09-0237-21 can be discharged.