DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H14-0011-21**	**Applicant:**	**Hawkstone Properties PLC**
Proposal:	Details of precautions to prevent mud deposit on highway, external materials, landscaping, on-site foul water drainage works, bicycle storage/parking and a Flood Warning & Evacuation Plan (Conditions 3, 4, 5, 6, 8 & 10 of H14-0077-20)		
Location:	Land At The Junction Of Wardentree Lane Wardentree Park Spalding		
Terminal Date:	24th March 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of precautions to prevent mud deposit on highway, external materials, landscaping, on-site foul water drainage works, bicycle storage/parking and a Flood Warning & Evacuation Plan (Conditions 3, 4, 5, 6, 8 & 10 of H14-0077-20).

Site Description

As original application.

History

H14-0077-20 - S73 modification - Proposed mixed use development comprising of drive thro' coffee shop A3 use, cafe/hot food takeaway A3 use, A3 & A5 restaurants and D2 assembly and leisure (fitness centre) and/or B1, B2, B8 (trade counter) use - Approved under H14-1252-18. Removal of condition 8 relating to CCTV System (approved April 2020)

H14-0225-20 - Details of mud prevention on public highway, external materials, on-site foul water drainage and bicycle storage/parking (Conditions 3, 4, 6 and 9 of H14-1252-18) (approved April 2020)

H14-1252-18 - Full application - Proposed mixed use development comprising of drive thro' coffee shop A3 use, cafe/hot food takeaway A3 use, A3 & A5 restaurants and D2 assembly and leisure (fitness centre) and/or B1, B2, B8 (trade counter) use (approved July 2019)

Consultation Responses

Welland & Deepings Internal Drainage Board - Previous comments still stand. The Board should be provided with a plan showing the closest part of the bin store to the top edge of Scraggs Dyke. We are happy to receive this plan direct from the agent in the background to eventually form part of any consent that may be granted.

Anglian Water - The foul drainage proposals, as outlined in drawing 7057-MJM-00-B2-DR-5-5200, are acceptable to Anglian Water. We can therefore recommend discharge of condition 6.

Planning Considerations

Condition 3 (prevention of mud on highway) - As previously approved under H14-0225-20, but details have been resubmitted for completeness.

Condition 4 (external materials) - As previously approved under H14-0225-20, but details have been resubmitted for completeness.

Condition 5 (landscaping) - A combination of ornamental shrub planting, grass and timber knee rail fencing is proposed along the southern and western boundaries which adjoin the highway from which there will be the most views. New tree planting is also proposed. It is an acceptable scheme given the industrial nature of the area.

Condition 6 (foul water drainage) - As previously approved under H14-0225-20, but details have been resubmitted for completeness.

Condition 8 (bicycle storage/parking) - As previously approved under H14-0225-20, but details have been resubmitted for completeness.

Condition 10 (flood warning and evacuation plan) - Submitted details are acceptable.

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, 4, 5, 6, 8 & 10 of H14-0077-20 can be discharged.