

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H14-0264-19 **Applicant:** Brooks (Spalding) Ltd

Proposal: Details of ecological survey, external lighting, drainage and waste/recycling (Conditions 3, 4, 5, 6 and 7 of H14-1158-18)

Location: Stephenson Avenue Pinchbeck Spalding

Terminal Date: 1st May 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
28 The Natural Environment
30 Pollution

National Guidance

National Planning Policy Framework 2019

Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application relating to H14-1158-18 which is seeking to discharge Conditions 3, 4, 5, 6 and 7 (details of ecological survey, external lighting, drainage and waste/recycling).

Site Description

The site is an area of unused grassland (approx. 0.8ha in size) within an industrial area. Located to the north is the premises of Greenyard Fresh (fresh produce company) and to the east there are existing small industrial units. The Vernatt's Drain is to the south. To the west there is more unused grassland which extends to the end of Stephenson Avenue.

History

H14-1158-18 - Full application for the construction of industrial units (B1, B2 and B8), lorry and trailer storage/parking along with the associated access (approved 21st January 2019).

Consultation Responses

LCC Highways/SUDS - Does not wish to restrict the grant of permission

Lincolnshire Wildlife Trust - Suggests that all recommendations within Section 6 of the appraisal are followed including timing of site clearance or further checking, by a qualified ecologist, if unable to avoid sensitive times for protected species. The development should also include the suggested general site enhancements for bird boxes and planting on the southern edge of the site to buffer Vernatts Drain Local Wildlife Site. Lighting should be in line with current guidance "Bats and artificial lighting in the UK".

Planning Considerations

Refuse/recycling disposal to be in accordance with industry standards and specific requirements of occupiers. Written agreement will be made between the landlord and leaseholder on the storage and disposal of waste/recycling to ensure that adequate facilities are available to avoid pollution, protection residential amenity and in the interests of the appearance of the site. Given that the specific occupiers are currently unknown this is considered to be a sensible approach.

The recommendations in the Preliminary Ecological Appraisal are considered to be acceptable.

The County Council as Lead Local Flood Authority have no objections to the proposed drainage strategy.

Conclusion

It is considered that the submitted information is acceptable and that the conditions can be discharged in this instance.

Additional Considerations

Public Sector Equality Duty

In making your decision you 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 is only one factor that needs to be considered, and may be balance 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 your decision, you 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.

You are referred specifically to Article 8 (right to respect for private and family life), 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 interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.