DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H14-0647-19**	**Applicant:**	**Caspianro Ltd**
Proposal:	Details of foul water disposal, ecology report, storage of refuse and recycling and landscaping (Conditions 3, 4, 5 and 6 of H14-0163-19)		
Location:	Off Stephenson Avenue Pincheck Spalding		
Terminal Date:	26th March 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment

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
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Details of foul water disposal, ecology report, storage of refuse and recycling and landscaping (Conditions 3, 4, 5 and 6 of H14-0163-19)

Site Description

The site is currently a vacant area of grass/scrub land located within an industrial area. The Vernatts Drain (and LWS) is located to the south and an existing haulage company (Midas Transport) is located to the north. Planning permission has recently been granted for 6 industrial units and lorry storage/parking to the east. Further grassland is to the west and this has the benefit of planning permission for an extension to the existing haulage depot to the north (H14-0999-17).

The site is within the settlement boundary for Pinchbeck as set out in the South East Lincolnshire Local Plan (2019) as well as within the Wardentree Lane 'Main Employment Area'.

History

H14-0872-19 - Proposed workshop building (re-submission of H14-0588-19) (approved October 2019)

H14-0588-19 - Proposed workshop building and offices (August 2019)

H14-0163-19 - Siting of 3 portable buildings (approved April 2019)

Consultation Responses

Pinchbeck Parish Council - No objections.

Anglian Water - Recommends discharge of Condition 3.

Lincolnshire Wildlife Trust - Commend the developer for including a species rich hedgerow and trees around the boundary fence as states within the recommendations. Strongly suggest that all recommendations are incorporated into the plans including the seed mix adjacent to the hedgerow and provision of bird and bat boxes.

Planning Considerations

Foul water disposal - Disposal to the existing Anglian Water network, to which they have no objection.

Ecology/landscaping - The site is located within an established employment area where landscaping is typically more limited. However, the requirements set out within the submitted Ecology Report have been adhered to which means the incorporation of hedging along the eastern and northern boundaries as well as a 2m buffer strip of grass on those boundaries. 4 pole mounted bat boxes would be installed.

Storage of refuse - Rubbish and recycling to be collected by a licenced waste company. This is an acceptable arrangement.

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 to grant permission 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 to grant permission 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 to grant permission 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 and 6 of H14-0163-19 can be discharged.