

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H14-1053-19 **Applicant:** Caspianro Ltd
Proposal: Details of Ecological Survey (Condition 3 of H14-0872-19)
Location: Land Off Stephenson Avenue Pinchbeck Spalding
Terminal Date: 20th March 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

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

National Guidance

National Planning Policy Framework 2019

Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

Details of Ecological Survey (Condition 3 of H14-0872-19).

Site Description

The site is used for the parking of lorry trailers belonging to a haulage company. 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 (approved August 2019)

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

Consultation Responses

Lincolnshire Wildlife Trust - Biodiversity benefits for the site are positive. Query what lighting report has been relied upon. Would encourage all the Reasonable Avoidance Measures in Section 4 of the report to be followed during construction. Section 5.5 of the report also makes recommendations for a buffer zone, which we would support to avoid disturbance to the northern bank of Vernatts Drain.

Planning Considerations

Lincolnshire Wildlife Trust (LWT) have no objections to the proposed ecological measures.

A note can be added to the decision notice regarding the Reasonable Avoidance Measures set out in the report.

The agent has advised that the lighting report referred to by them in correspondence with the Council is the industry standard guidance re bats and artificial lighting in the UK. LWT have verbally confirmed they are happy with this approach.

A 15m buffer zone is recommended in the submitted Ecology Report, however planning permission has already been granted for the site with a 9m buffer.

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, the submitted details are considered to be broadly in accordance with Policies 2, 3 and 28 of the South East Lincolnshire Local Plan (2019) and Section 15 of the National Planning Policy Framework (2019). Condition 3 of H14-0872-19 can therefore be discharged.