DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-1125-20**	**Applicant:**	**Mr H Myers**
Proposal:	Change of Use (part retrospective) to retain materials recovery facility - approved under H16-0546-20. Modification of Condition 5 relating to height of storage and removal of Condition 7 relating to storage of waste materials.		
Location:	1-3 Ashtree Lane Off Stumps Lane Spalding		
Terminal Date:	13th January 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
28	The Natural Environment

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Consultation from LCC regarding a County Matter planning application for the change of use of the site (part retrospective) to retain materials recovery facility.

Change of Use (part retrospective) to retain materials recovery facility - approved under H16-0546-20. Modification of Condition 5 relating to height of storage and removal of Condition 7 relating to storage of waste materials.

Site Description

The site, located within the countryside, consists of 3 storage buildings (former agricultural buildings) and open land. The site is adjacent to Springfields Retail centre, and totals approximately 2.6 ha.

Access to the site is via Stumps Lane and Marsh Road.

History

H16-0546-20. 1-3 Ashtree Lane, Off Stumps Lane. Change of Use (part retrospective) to retain materials recovery facility. No objection. 17-08-20.

H16-0748-19. Unit 3 Stumps Lane. Change of use to classic car storage and restoration (B2/B8). Approved 26-09-19.

Consultation Responses

SHDC Environmental Health

No objections.

Planning Considerations

Although the site is within the countryside, SHDC needs to be aware that Policies W3 and W4 of the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (CSDMP) set out the (Spatial Strategy for New Waste Facilities and (Locational Criteria for New Waste Facilities respectively.

As LCC are the local planning authority for this proposal, SHDC has not undertaken the consultation exercise. In order to make a fully considered decision SHDC officers would recommend to LCC that a full consultation is undertaken and the impact on neighbouring occupiers is considered:

Also, the policies of the SELLP are to be considered.

Conclusion

No objection is raised to this proposal provided the impact on neighbouring occupiers is fully considered and addressed:

In addition, the advice set out within the NPPF 2019 and the following policies of the South East Lincolnshire Local Plan are to be considered:

01 - Spatial Strategy
02 - Development Management
03 - Design of New Development
28 - The Natural Environment

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.