DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H16-1153-22** | **Applicant:** | **M J L Welding & Fabrication Ltd** |
| **Proposal:** | Details of construction management, private refuse/recycling and cycle storage (Conditions 3, 4 and 5 of H16-0716-22) | | |
| **Location:** | 14 Market Place Spalding Lincolnshire | | |
| **Terminal Date:** | 1st February 2023 | | |

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

| | |
|---|---|
| 02 | Development Management |
| 03 | Design of New Development |
| 30 | Pollution |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework 2021**

Sections:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11.Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

**Representations:**

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |

## CASE OFFICER ASSESSMENT

### Proposal

Details of construction management, private refuse/recycling and cycle storage (Conditions 3, 4 and 5 of H16-0716-22).

### Site Description

As host consent.

### History

H16-0716-22. 14 Market Place. FULL. Creation of 3 self-contained apartments on the first and second floor. Works of repair, restoration and replacement of internal and external features and materials. APPROVED 03-11-22.

H16-0717-22. Listed Building consent application. Creation of 3 self-contained apartments on the first and second floor. Works of repair, restoration and replacement of internal and external features and materials. APPROVED 03-11-22.

### Consultation Responses

SHDC Environmental Protection

No response received.

SHDC Environmental Services

Happy with the rubbish collections on Market Place as we currently collect in there as it is.

LCC Highways & SUDS Support

No objection.

The plan, to have all the deliveries of bulk materials made to the developers' Pode Hole depot and then transferring to the site only as much of that material as may immediately be required, by means of smaller company vehicles, is acceptable and would go a long way towards minimising the vehicle impact of the development upon the safety and the free passage of the public using Market Place.

Therefore, having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the submitted Construction Management Plan is acceptable and does not wish to object to that part of this planning Application.

The arrangements for refuse presentation are a matter for the Local Planning Authority.
I have not been able to identify, from the submitted details, what arrangements are to be made for cycle storage but that would not necessarily be a matter for the highway authority in terms of impact upon highway safety.

### Planning Considerations

Details of construction management, private refuse/recycling and cycle storage (Conditions 3, 4 and 5 of H16-0716-22)

Condition 3

*A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to the Local Planning Authority within one month of the commencement of development and the construction process shall be carried out in accordance with the scheme subsequently approved by the Local Planning Authority. It shall also include a method statement detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free*

*passage along Market Place, Drapers Place, Francis Street and The Crescent and the residential amenity of the locale.*

*In addition details of hours of construction work and construction deliveries shall be set out.*

*Reason: In the interests of the amenity of local residents. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.*
*This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.*

The submitted details are adequate.

Condition 4

*Prior to the occupation of any dwelling, full details of the arrangement for private refuse/recycling collection shall be submitted to and approved in writing by the Local Planning Authority. The approved management arrangements shall be implemented upon first occupation of any dwelling and thereafter retained for the lifetime of the development.*

*Reason: This application has been approved on the basis that waste collection will be carried out by a private company and to ensure appropriate arrangements are in place for the collection of refuse/recycling.*
*This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.*

The submitted details are adequate.

Condition 5

*Prior to the commencement of the first use of the development hereby permitted details of cycle storage shall be submitted to and approved by the Local Planning Authority. The cycle storage shall be provided in accordance with the approved details and shall be retained for the sole use of the application proposals for the duration of the use hereby approved.*

*Reason: To ensure that adequate secure facilities are provided for residents of the site. This Condition is imposed in accordance with Policy 36 of the South East Lincolnshire Local Plan, 2019.*

The submitted details, which are shown within the submission on drawing ref 4019-22 04G are adequate.

**Conclusion**

Approve.

**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.