DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0944-22**	**Applicant:**	**Scottpark Developments Ltd**
Proposal:	Details of external materials, storage & disposal of refuse & recycling, contamination method statement and ecological biodiversity measures (Conditions 3, 8, 10 & 13 of H22-1064-21)		
Location:	Rear Of The Hollies 30 Austendyke Road Weston Hills		
Terminal Date:	30th November 2022		

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 2021

Section 2. Achieving sustainable development.
Section 8. Promoting healthy and safe communities.
Section 12. Achieving well-designed places.
Section 15. Conserving and enhancing the natural environment.

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This application is to discharge the following conditions of application H22-1064-21:

Condition 3 - Materials Schedule
Condition 8 - Details of Refuse Storage
Condition 10 - Contaminated Land Scheme

Condition 13 - Ecological biodiversity measures

Site Description

As original application.

History

H22-1064-21 - Residential Development - Erection of 3 Dwellings including demolition of existing building - Approved

H22-0381-19 - Cond Comp - Details Relating to Contamination (Condition 8 i) and ii) of H22-1137-18) - Approved

H22-1137-18 - O/A - Residential development (2 plots) - Approved

Consultation Responses

Environmental Protection

Recommend discharge of Condition 10 of H22-1064-21 with condition 11 remaining outstanding.

Planning Considerations

Condition 3 - Materials Schedule
External walls - Vandersanden cottage mix bricks with white cement mortar
Roof tiles - Terracotta double pantile
Doors and windows - Cream UPVC
Rainwater goods - Black UPVC
Block paving - 200mm x 100mm bunt ochre

These materials are considered acceptable therefore condition 3 can be discharged.

Condition 8 - Details of Refuse Storage

Waste collection is to be undertaken by a private collection company on a date to be agreed with the occupants. It would be collected on a weekly basis. Condition 8 can therefore be discharged.

Condition 10 - Contaminated Land Scheme

The submitted written method statement detailing the remediation strategy for land contamination is acceptable therefore condition 10 can be discharged.

Condition 13 - Ecological biodiversity measures

The application is accompanied by an Ecology Management Scheme which proposes the following:
·A species hedgerow would be planted on the site with a 1-2 metre buffer strip adjacent to the hedgerow
·1no open fronted bird nesting box and 1no close hole bird nesting box will be installed
·Swift bricks would also be installed on all dwellings
·2no Ibstock bat bricks would be installed on each dwelling

The details are considered acceptable and would ensure a net gain for biodiversity therefore condition 13 can be discharged.

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, it is considered that Conditions 3, 8, 10 & 13 of H22-1064-21 can be discharged.