DECISION DELEGATED TO DEVELOPMENT MANAGER

| | | | |
|---|---|---|---|
| **Application No:** | **H04-0547-21** | **Applicant:** | **Burmor Construction Ltd.** |
| **Proposal:** | Details of archaeological investigation, foul & surface water disposal, existing & proposed site levels, external materials and construction management (Conditions 6, 9, 11, 12 & 13 of H04-0208-20) | | |
| **Location:** | Land East Of Church Street And South Of Bicker Road Donington | | |
| **Terminal Date:** | 9th July 2021 | | |

## Planning Policies

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

| | |
|---|---|
| 01 | Spatial Strategy |
| 02 | Development Management |
| 03 | Design of New Development |
| 04 | Approach to Flood Risk |
| 07 | Improving South East Lincolnshire's Employment Land Portfolio |
| 24 | The Retail Hierarchy |
| 27 | Additional Retail Provision |
| 28 | The Natural Environment |
| 29 | The Historic Environment |
| 30 | Pollution |
| 31 | Climate Change and Renewable and Low Carbon Energy |
| 36 | Vehicle and Cycle Parking |
| APPENDIX 6 | Parking Standards |

**National Guidance**

**National Planning Policy Framework 2019**

NPPF 2019.

## Representations:

| | Object | Support | No Obj. | Comments |
|---|---|---|---|---|
| HIGHWAYS & SUDS SUPPORT | 0 | 0 | 0 | 1 |
| IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER | 0 | 0 | 0 | 1 |

| | | | | |
|---|---|---|---|---|
| BLACK SLUICE INTERNAL DRAINAGE BOARD | 0 | 0 | 0 | 1 |
| SHDC INTERNAL | 0 | 0 | 0 | 2 |

CASE OFFICER ASSESSMENT

**Proposal**

Details of archaeological investigation, foul & surface water disposal, existing & proposed site levels, external materials and construction management (Conditions 6, 9, 11, 12 & 13 of H04-0208-20)

The application has been amended to reduce the originally suggested hours of working, and resite the construction compound, given that this site is adjacent to dwellings.

**Site Description**

As host application.

**History**

H04-0208-20. Erection of 2 retail units, car park, landscaping and associated works including demolition of existing buildings. APPROVED. 16-11-20.

**Consultation Responses**

SHDC Building Control

Details are acceptable.

SHDC Environmental Protection

No objection.

LCC Highways & SUDS Support

No objection.

LCC Historic Environment Officer

Confirms that the written scheme of archaeological investigation (WSI) submitted meets the requirements of this office in respect of Condition 6 of permission H04-0208-20. Condition 6 can therefore be discharged.

Black Sluice Internal Drainage Board

Provided that the local planning and lead local flood authorities are satisfied with the calculations provided by the
applicant regarding the use of crate soakaways, then the Board have no further comment.

**Planning Considerations**

Condition 6 - Archaeological Scheme

Details are acceptable.

Condition 9 - Full Details of Drainage

Details are acceptable.

Condition 11- Details of Existing and Proposed Site Levels

Details are acceptable.

Condition 12- Materials Schedule

Details are acceptable.

Condition 13- Construction Process Management Plan

The details submitted to address this condition have been amended to reduce the originally suggested hours of working, given that this site is adjacent to dwellings.

**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.