

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0444-21 **Applicant:** Mr K Vaughan

Proposal: Details of site investigation for landfill gas (Condition 3 of H09-0192-20) - approved on Appeal

Location: Adj. Bowerdale Main Road Holbeach Drove

Terminal Date: 2nd July 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

30 Pollution

National Guidance

National Planning Policy Framework 2019

Section 11 - Making effective use of land

Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of site investigation for landfill gas (Condition 3 of H09-0192-20).

Site Description

As original application.

History

H09-0192-20 - Erection of 3 bed detached house with on site parking - Appeal allowed

H09-1025-19 - Erection of three bedroom detached house with on-site parking - re-submission of
H09-1028-18 - Refused

H09-1028-18 - Erection of three-bed detached house - Refused

H09-0496-03 - Erection of detached 3 bed house with detached double garage - Refused & Appeal Dismissed

H09-1132-01 - Erect 2 bed bungalow and garage (Renewal of full application H09/0821/96) - Withdrawn

H09-0821-96 (23 Oct) - Erect two bedroom bungalow and garage - Approved

H09-0556-96 (31 Jul) - Erection of one dwelling, including siting and means of access - Refused

H09-0106-96 (8 May) - Two residential building plots including siting and means of access - Refused

Consultation Responses

Environmental Health

No objection.

Planning Considerations

Condition 3 Details of site investigation for landfill gas

SHDC Environmental Protection have no objection to the submitted details. It was queried whether we require verification that the work has been undertaken. However as this is not part of the condition the condition can be fully 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 Condition 3 of H09-0192-20 can be discharged.