DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-1146-19**	**Applicant:**	**Mr & Mrs D Hurst**
Proposal:	Details of precautionary ground gas protection measures (Condition 5 of H09-0874-19)		
Location:	Willow Tree Farm Spalding Road Holbeach		
Terminal Date:	23rd January 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

30 Pollution

National Guidance

National Planning Policy Framework 2019

Section 15

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application is to discharge condition 5 of H09-0874-19 (details of precautionary ground gas protection measures).

Site Description

The site is located on the northern side of Spalding Road and is currently garden associated with Willow Tree Farm (bungalow). Access is off a private roadway.

An agricultural building is located to the north and residential development to the south on the opposite side of Spalding Road.

History

H09-1462-00 - Full - Extension to existing bungalow - Granted 9 February 2001.

H09-0452-19 - Full - Residential annexe - Refused 19 July 2019.

H09-0874-19 - Full - Proposed extension to form annexe - Granted 12 November 2019.

Consultation Responses

SHDC Environmental Protection - Part 1 can be discharged.

Planning Considerations

SHDC Environmental Protection have assessed the submitted details and confirm that the proposals are sufficient to discharge condition 5 part 1 of H09-0874-19. They also advise that minimum penetration of the slab by services including central heating and water pipes is preferable. It is recommended that this be attached as a note.

Conclusion

That condition 5 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.