

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0533-21 **Applicant:** GEDA Construction

Proposal: Details of scheme to deal with contamination, provision for storage & parking of at least 2 bicycles and provision of water supplies to fire services in case of an emergency (Conditions 3, 21 & 25 of H14-0109-19)

Location: Spalding Lifestyle And Garden Centre 210 Spalding Road Pinchbeck

Terminal Date: 6th July 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

03 Design of New Development
30 Pollution
36 Vehicle and Cycle Parking
APPENDIX 6 Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
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
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of scheme to deal with contamination, provision for storage & parking of at least 2 bicycles and provision of water supplies to fire services in case of an emergency (Conditions 3, 21 & 25 of H14-0109-19).

Site Description

A brownfield site that formerly accommodated the Spalding Lifestyle and Garden Centre, as well as comprising of vacant land. The Johnson Community Hospital is to the south, with a drain to the east. To the north/north-west is a mixture of residential properties and commercial premises. Spalding Road is to the west.

Development of the site has commenced and is well advanced.

History

H14-0549-20 - Details relating to Contamination (Condition 3 of H14-0109-19) (approved November 2020)

H14-1229-19 - Details of Conditions 4, 6, 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of H14-0109-19 (approved March 2020)

H14-0109-19 - Full application - Erection of 72 dwellings, parking, landscaping and provision of public open space (approved December 2019)

Consultation Responses

SHDC Environmental Protection - I have reviewed the Delta Simons 'Remediation Validation Report, Spalding Road, Pinchbeck' 19-2129.02 Issue 3 dated December 2021 and recommend discharge of condition 3 of H14-0109-19 in full.

Lincolnshire Fire and Rescue - The submitted details are acceptable.

Planning Considerations

Condition 3 part iii (verification report) - The Council's Environmental Protection Officer has no objection to the submitted details.

Condition 21 (bicycle storage/parking) - This condition requires the provision of storage/parking for at least 2 bicycles for all approved dwellings. However, Appendix 6 does allow 1 space per unit where it is a flat. It is proposed that bicycles will be stored within the private gardens of properties where they have access to one and a dedicated storage space is shown for flats with no private garden. There are 10 flats with no private garden and the submitted drawing would appear to indicate space for 20 bicycles within the storage area which complies with the requirements of Appendix 6 and the wording of Condition 21.

Condition 25 (water supply for Fire Service) - Lincolnshire Fire and Rescue have no objection to the submitted details.

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, 21 & 25 of H14-0109-19 can be discharged.