DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H14-0549-20**	**Applicant:**	**GEDA Construction**
Proposal:	Details relating to Contamination (Condition 3 (i, ii) of H14-0109-19)		
Location:	Spalding Lifestyle And Garden Centre 210 Spalding Road Pinchbeck		
Terminal Date:	4th November 2020		

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
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details relating to Contamination (Condition 3 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.

History

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)

Consultation Responses

SHDC Environmental Protection - I have reviewed the Delta-Simons Limited 'Additional Environmental Assessment Report 210 Spalding Road, Pinchbeck, Spalding PE11 3PB ref 19-2129.01 Issue 1 Status Final dated 1st July 2020 and Remediation and Verification Strategy Spalding Road, Pinchbeck Issue 2 Status Final dated: July 2020 Delta-Simons Project No. 19-2129.01. I am in general agreement with the findings and recommend discharge of parts i & ii of H14-0109-19, with part iii remaining outstanding.

Planning Considerations

The Council's Environmental Protection Officer for contaminated land has no objections to the submitted details in so far as they relate to parts i and ii of Condition 3 of H14-0109-19. They are therefore considered acceptable.

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 parts (i) and (ii) of Condition 3 of H14-0109-19 can be discharged.