DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0112-22**	**Applicant:**	**B L M Builders Ltd**
Proposal:	Details of Closure Report relating to Contamination (Condition 2 (iv) of H16-0796-20 - Plot 2)		
Location:	Horseshoe Road Spalding		
Terminal Date:	17th June 2022		

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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	2

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application regarding details of a Closure Report relating to

Contamination (Condition 2 (iv) of H16-0796-20 - at Plot 2Horseshoe Road, Spalding.

SITE DESCRIPTION

The site is within defined settlement limits on the edge of Spalding. The surrounding area is predominately rural, characterised by non-nucleated linear development of varying ages and design. The site is in Environment Agency Flood Zone 3, and is not subject to increased flood hazard or risk on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H16-0796-20

Section 73 Modification - Residential Development - Erection of 4 dwellings - approved under H16-0715-16. Modification of Condition 1 to allow amendments to previously approved plans - Approved - 07 January 2021.

CONSULTATION RESPONSES

Environmental Protection

"I have reviewed the Goldfinch Environmental Ltd report 'PROPOSED RESIDENTIAL DEVELOPMENT PLOT 2 HORSESHOE ROAD SPALDING LINCS VERIFICATION REPORT Ref.: 0756/4' dated April 2022 and in general agreement with the findings, I recommend discharge of condition 2 of H16-0796-20 plot 2 only."

PLANNING CONSIDERATIONS

Accordance with Condition 2(iv) of H16-0796-20

Condition 2(iv) states:

"iv) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met."

It is considered that Condition 2 of H16-0796-20 has now been satisfactorily addressed. The Environmental Protection Officer has no objections to the submitted detail.

CONCLUSION

This application is recommended for approval.

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.