

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0215-25 **Applicant:** Spalding & District Civic Society

Proposal: Details of exact positioning of sculptures (Condition 3 of H16-0875-24)

Location: Land Adj. 1 Sheep Market Spalding

Terminal Date: 25th April 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework December 2024

Sections 12 and 16 of the National Planning Policy Framework (2024) (NPPF)

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This application is for the discharge of Condition 3 of H16-0875-24

That condition reads as follows:

"Prior to the installation of the sculptures hereby approved, details of their exact positioning within the plot shall be submitted to and approved in writing by the Local Planning Authority. The installation of the sculptures shall then be carried out in accordance with the agreed details.

Note: The proposed details shall include a block plan highlighting the exact positioning of each of the sculptures within the plot of the approved development. Such details shall also include information of the precise angling and orientation of each sculpture.

Reason: To ensure, for the purpose of proper planning, that the full details of the proposal are

*acceptable, and that the development shall not unduly effect the setting.
This Condition is imposed in accordance with Conditions 2, 3, and 29 of the South East Lincolnshire Local Plan, 2019."*

Site Description

As in host application

History

As in host application

Consultation Responses

None requested

Planning Considerations

Condition 3 of H16-0875-24

The applicant has submitted details of the proposed locations of the figures within the proposal site, in accordance with the requirements of this condition. The Local Planning Authority does not consider the proposed locations to unduly harm the setting and is satisfied to be able to confirm the precise locations of the proposed works. Therefore, the details are sufficient and the condition may be discharged.

Conclusion

For the reasons listed above, this application is deemed to be in accordance with Policies 1, 2, 3, and 29 of the South East Lincolnshire Local Plan (2019), as well as Sections 12 and 16 of the National Planning Policy Framework (2024). Therefore, the 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.