

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0287-19 **Applicant:** Lidl Great Britain Ltd

Proposal: Details Submitted Relating to Conditions 6 (Archaeology), 7 (construction management), 8 (prevent the deposit of mud on public highways) , 11 (Contaminated Land Scheme) & 12 (external materials of construction) of H16-0867-17 - Erection of a class A1 food store, new access, service yard, car parking, landscaping and associated works

Location: (Lidl Store) Former Welland Hospital Site / Former Garage Holbeach Road Spalding

Terminal Date: 8th May 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
27	Additional Retail Provision
28	The Natural Environment
29	The Historic Environment
30	Pollution
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework 2019

2, 3, 4, 6, 8, 9, 12, 14

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details Submitted Relating to Conditions 6 (Archaeology), 7 (construction management), 8 (prevent the deposit of mud on public highways) , 11 (Contaminated Land Scheme) & 12 (external materials of construction) of

H16-0867-17 - Erection of a class A1 food store, new access, service yard, car parking, landscaping and associated works

Site Description

The site was previously occupied by the Welland Hospital and former Bettinson Garage. The buildings have been cleared from the site. The application site measures 1.04 hectares with Holbeach Road to the south alongside a number of residential properties; and residential properties to the north.

History

H16-0867-17 - Erection of a class A1 food store, new access, service yard, car parking, landscaping and associated works. Approved 21-08-18.

Consultation Responses

SHDC Environmental Protection -Has reviewed the report 'Remediation Strategy and Verification Plan For New Lidl Supermarket At Holbeach Road Spalding' Ref 1057-R-01A Revision A, March 2019' by GeoInvestigations Limited and can recommend discharge of part iii of condition 11 of H16-0867-17.

SHDC Environmental Services - No objection.

SHDC Environmental Protection. No objection.

"I have reviewed the report 'Remediation Strategy and Verification Plan For New Lidl Supermarket At Holbeach Road Spalding' Ref 1057-R-01A Revision A, March 2019' by GeoInvestigations Limited and can recommend discharge of part iii of condition 11 of H16-0867-17.

I look forward to receipt of a verification report as required for part iv in due course, and would welcome the opportunity to visit site during the remedial works if possible."

LCC Highways & SUDS. All acceptable in highways terms. 'No objections raised.

LCC Historic Environment Officer. No response.

Considerations

In the light of the consultation responses above, the details submitted to discharge and partially discharge the conditions are considered to be acceptable.

Additional Considerations

Public Sector Equality Duty

In making your decision you 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 is only one factor that needs to be considered, and may be balance against other relevant factors.

It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making your decision, you 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.

You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission 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 interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Details are acceptable.