DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0337-19**	**Applicant:**	**Mr S Clark**
Proposal:	Erection of one-bed dwelling - approved under H16-1225-18. Modification of Condition 3 relating to Land Contamination.		
Location:	Adj. 15 Stennett Avenue Spalding Lincs		
Terminal Date:	28th May 2019		

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
30	Pollution

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an application to modify Condition 3 of H16-1225-18 (erection of one-bed dwelling adjacent to 15 Stennett Avenue, Spalding) relating to land contamination.

Condition 3 of H16-1225-18 is the standard contaminated land condition. Prior to determination of that application, the applicant was given the option of the standard contaminated land condition or a

condition requiring the details of precautionary ground gas measures to be submitted and approved prior to commencement of development. The applicant chose the former at the time.

However, the applicant now wishes to go down the alternative route and has submitted details of the precautionary ground gas measures (gas protection membrane).

This means that Condition 3 is to be modified to require only the submission of a suitably detailed ground gas verification report prior to first occupation of the dwelling.

Site Description

The site is a small plot on the end of a row of terraced properties, comprising of numbers 15 - 18 Stennett Avenue. The site is currently enclosed by a fence which joins onto the footpath. There is a detached dwelling to the south which has recently been constructed. There are other terraced houses opposite the site. Parking is available on the other side of the road.

The site is located within the settlement boundary for Spalding as set out in the South East Lincolnshire Local Plan (2019).

History

H16-1225-18 - Erection of one-bed dwelling (approved 21st January 2019)

H16-0336-19 - Details of external materials (Condition 4 of H16-1225-18) (approved 24th April 2019)

Consultation Responses

SHDC Environmental Protection - No objections.

Planning Considerations

SHDC Environmental Protection have no objections to the application and so the modification of Condition 3 is considered to be acceptable.

Conclusion

Taking the above into account, the proposed amendment is considered to be in accordance with Policy 30 of the South East Lincolnshire Local Plan (2019), as well as Section 15 of the National Planning Policy Framework (2019).

The recommendation therefore is for a delegated approval.

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 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 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 is considered to be a proportionate response to the submitted application based on the considerations set out in this report.