DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0420-19**	**Applicant:**	**Mr N Bond**
Proposal:	Details of Conditions 3, 4, 7 Part (i), 8, 13, 14 and 16 of H16-0423-18		
Location:	Former 11 Leathercote House Tower Lane Spalding		
Terminal Date:	13th June 2019		

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
30	Pollution

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

It is proposed to discharge conditions imposed upon planning permission H16-0423-18 which was to replace a fire damaged listed building.

Site Description

Vacant site of former burnt out listed building, in Spalding Conservation Area and in built up area.

History

H16-0423-18 - approved at Committee.

Consultation Responses

LCC SUDs - no observations.

SHDC - Environmental Protection
"I have reviewed the EPS Limited 'Phase 1 Geo-Environmental Desk Study 11 Tower Lane, Spalding, Lincs, PE1 2RG' Ref UK19.4327 dated 3rd April 2019 Issue 2 and agree with the conclusion that some site investigation is required at this location. I agree with the proposed scope of works comprising limited hand auguring and chemical testing, and look forward to receipt of the site investigation report in due course. The report submitted is sufficient to discharge part i of condition 7 of H16-0423-18 with parts ii-iv remaining."

Planning Considerations

Not all conditions applied for can be discharged as set out in the Consultee advice above - these are;

Conditions 5,6, parts ii - iv of Condition 7 and condition 10.

Condition 3 - Materials

The schedule of materials as set out in the submissions are acceptable.

Condition 4 Archaeology

The archaeological programme put forward by the developer is confirmed as satisfactory to discharge Condition 4.

Condition 7 contamination

Condition 8 - Surface Water Condition 13 - large scale details (at a scale of at least 1:10)

The plans submitted are acceptable.

Condition 14 - Details of the design and positions of all external boxes for gas and electricity supplies and of any gas flues and soil vent pipes

The details shown are acceptable.

Condition 16 - full details of the existing and proposed site levels and proposed floor levels of the buildings and hard surfaced areas

The details submitted are acceptable.

Conclusion

Conditions 3, 4, 7 Part (i), 8, 10, 13, 14 and 16 can be discharged - 5, 6, 10 and parts ii - iv of condition 7 cannot be discharged yet.

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 to grant permission 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 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 public 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.