DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0581-19**	**Applicant:**	**Mr S Clark**
Proposal:	Details relating to contaminated land (Condition 3 of H16-0337-19)		
Location:	15 Stennett Avenue Spalding		
Terminal Date:	5th August 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

30 Pollution

National Guidance

National Planning Policy Framework 2019

Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an application to discharge Condition 3 (contaminated land scheme) of H16-0337-19 (erection of one-bedroomed dwelling adjacent 15 Stennett Avenue, Spalding).

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 dwelling is currently under construction. 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

H16-0337-19 - Erection of one-bed dwelling - approved under H16-1225-18. Modification of Condition 3 relating to Land Contamination (approved May 2019)

H16-0336-19 - Details of external materials (approved April 2019)

H16-1225-18 - Full planning permission for erection of one-bedroomed dwelling (approved January 2019)

Consultation Responses

SHDC Environmental Protection - Recommend discharge of Condition 3 in full.

Planning Considerations

SHDC Environmental Protection have no objections to the submitted Ground Gas Verification Report and, overall, it is considered that the submitted information in respect of Condition 3 of H16-0337-19 is acceptable.

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.

Conclusion

Taking the above into account it is considered that Condition 3 of H16-0337-19 can be discharged.