DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0649-19**	**Applicant:**	**The Glenholme Group**
Proposal:	Details of scheme to deal with contamination and ecology report (Conditions 6 and 11 of H16-0008-19)		
Location:	The Hungry Horse 108 Halmer Gate Spalding		
Terminal Date:	23rd August 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

28	The Natural Environment
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	2

CASE OFFICER ASSESSMENT

Proposal

This is an application to discharge Conditions 6 and 11 (contaminated land scheme and ecological survey) of H16-0008-19 (proposed 61 bedroom care home at the former Hungry Horse 108 Halmer Gate, Spalding).

Site Description

The application site comprises of a vacant public house with parking to the front and west of the building and a grassed garden area to the rear. There is an existing access on to Halmer Gate. The site is situated within a residential area. Existing houses in the vicinity vary in terms of size and age, ranging from bungalows to 3 storey properties. There is tall conifer hedging along most of the

eastern boundary between the application site and properties on Low Road.

History

H16-0008-19 - Full planning application for proposed 61 bedroom care home (April 2019)

Consultation Responses

SHDC Environmental Protection - In agreement with the findings of the Ground Investigation Report and advises that either remediation option given in the Remediation Method Statement would be satisfactory.

Lincs Bat Group - Originally raised concerns about certain aspects of the Ecology Report. In response to this, a revised Ecology Report has been submitted and it has been confirmed by the Group that the changes are satisfactory.

Planning Considerations

Two options for the remediation of contaminated soils to the east of the public house building have been proposed in the Remediation Method Statement:
1) Place a 450mm blanket of imported clean topsoil/subsoil in the proposed garden and vegetated borders; or
2) Remove the former car park surface and contaminated material above and immediately below it, validate that the remaining surface is clean and place a nominal thickness of imported clean topsoil.

SHDC Environmental Protection have no objections to either option and from a planning point of view, there would be no issue with whichever option is chosen. Raising the ground level by 450mm would have no impact on that side of the building due to the tall trees along the eastern boundary blocking views into and out of the site. Option 2 would effectively mean only minimal change.

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.

Conclusion

Taking the above into account it is considered that Conditions 6 and 11 of H16-0008-19 can be discharged.