

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0935-20 **Applicant:** BLM Builders Ltd.
Proposal: Details of Closure Report - Plot 1 (Condition 2 part (iv) of H16-0796-20)
Location: Horseshoe Road Spalding
Terminal Date: 2nd December 2021

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
17	Providing a Mix of Housing
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Sections 5, 12 and 14 of the National Planning Policy Framework (2021)

5 - Delivering a sufficient supply of homes

12 - Achieving well-designed places

14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application relating to details of Closure Report for Plot 1 (Condition 2 part (iv) of H16-0796-20) at Horseshoe Road, Spalding.

SITE DESCRIPTION

The site is within defined settlement limits on the edge of Spalding. The surrounding area is predominately rural, characterised by non-nucleated linear development of varying ages and design. The site is in Environment Agency Flood Zone 3, and is not subject to increased flood hazard or risk on the 2115 South Holland Strategic Flood Risk Mapping.

HISTORY

H16-0409-05

Full - Demolition of existing commercial/storage buildings and redevelopment for residential - Refused - 23 May 2005 - Dismissed at appeal - 24 November 2005.

H16-0482-14

Outline - Residential development - Refused - 17 September 2014 - Allowed on appeal - 25 June 2015.

H16-0715-16

Reserved Matters - Residential development - Erection of four dwellings - Outline approval H16-0482-14 - Approved - 23 October 2017.

H16-0397-18

Condition Compliance - Details of Archaeological Investigation (Condition 3 of H16-0715-16) - Part Approved / Part Refused - 20 November 2018.

H16-1189-18

Condition Compliance - Details of notification to LCC and final report for Plot 1 relating to archaeology (Conditions 4 and 5 of H16-0715-16) - Approved - 22 January 2019.

H16-0703-20

Non-material amendment - Residential Development - erection of 4 dwellings - approved under H16-0715-16 - Non-determined.

H16-0796-20

Section 73 Modification - Residential Development - Erection of 4 dwellings - approved under H16-0715-16. Modification of Condition 1 to allow amendments to previously approved plans - Approved - 07 January 2021.

CONSULTATION RESPONSES

SHDC - Environmental Protection Officer

I have reviewed the Goldfinch Environmental report 'PROPOSED RESIDENTIAL DEVELOPMENT PLOT 1 HORSESHOE ROAD SPALDING Lincs VERIFICATION REPORT' Ref.: 0756/4' dated November 2021 and recommend discharge of condition 2 part (iv) of H16-0715-16 for plot 1.

PLANNING CONSIDERATIONS

The Council's Environmental Protection Officer has reviewed the submitted documents and recommends discharge of the closure report part of the contaminated land condition.

Please note that the development description originally referred to application ref. H16-0715-16

(hence reference to that permission in the Environmental Protection Officer's response above), however a s73 application was granted consent after this application was submitted and therefore the development description has been amended accordingly.

PLANNING BALANCE

Condition 2 of H16-0796-20 is considered to have been satisfactorily addressed and can be discharged in so far as it relates to Plot 1.

CONCLUSION

This application is recommended for approval.

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.