

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-1197-19 **Applicant:** Mr & Mrs A Wild
Proposal: Details of contamination and lighting (Conditions 4 & 6 of H16-0623-19)
Location: The Elders 98a Spalding Common Spalding
Terminal Date: 18th February 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
28	The Natural Environment

National Guidance

National Planning Policy Framework 2019

Section 12 of the National Planning Policy Framework (2019)

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 a condition compliance application for details of contamination and lighting (Conditions 4 & 6 of H16-0623-19) at The Elders, 98a Spalding Common. A geo-environmental desk study has been submitted and the proposed LED lighting is to be sited on six poles around the 40 metre by 20 metre menage and will be positioned to face downwards.

Site Description

The proposal is within defined settlement limits and the surrounding area is characterised by

dwelling of varying ages and design to the north, east and south, with agricultural fields to the west at the rear of the site.

History

H16-0492-90

Outline - Erection of dwelling - Refused - 23 July 1990

H16-1156-90

Outline - Erection of dwelling - Refused - 12 December 1990

Consultation Responses

SHDC - Environmental Protection Officer

Recommends discharge of condition.

Planning Considerations

Compliance with conditions 4 & 6 of H16-0623-19

The proposed contamination details are considered to be acceptable.

The revised lighting details are considered to be acceptable.

Conclusion

Approve.

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.