

## DECISION DELEGATED TO DEVELOPMENT MANAGER

**Application No:** H17-0578-20      **Applicant:** Mrs M Ward

**Proposal:** Details of scheme to deal with contamination, windows and doors, brickwork/mortar and floor levels/flood risk report (Conditions 3, 6, 7, 8 & 10 of H17-1152-19)

**Location:** La Castagna Cheal Road Gosberton

**Terminal Date:** 15th September 2020

### Planning Policies

#### South East Lincolnshire Local Plan - Adopted: March 2019

|    |                           |
|----|---------------------------|
| 02 | Development Management    |
| 03 | Design of New Development |
| 04 | Approach to Flood Risk    |
| 30 | Pollution                 |

#### National Guidance

#### National Planning Policy Framework 2019

Section 12 - Achieving well-designed places  
Section 14 - Meeting the challenge of climate change, flooding and coastal change  
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

Details of scheme to deal with contamination, windows and doors, brickwork/mortar and floor levels/flood risk report (Conditions 3, 6, 7, 8 & 10 of H17-1152-19).

#### Site Description

There are three brick built barns on the site which form a traditional 'U' shaped footprint and have a historic character. These were formerly flanked by shelter like structures constructed from corrugated steel sheets on the eastern and southern sides which have now been removed.

The barns are set within a large plot with grassed land surrounding on 3 sides. There is an existing dwelling to the west. There are a small number of other dwellings in the vicinity.

## **History**

H17-1152-19 - Change of use from agricultural barns to dwelling - resubmission of H17-1140-18 (approved April 2020)

H17-1140-18 - Change of use of agricultural building to dwelling (Use Class C3) (approved December 2018)

## **Consultation Responses**

SHDC Environmental Protection - I have reviewed the following reports: Tank Removal and Soil Validation Report La Castagna, Cheal Road, Surfleet, Spalding, PE11 4BA Issued: April 2020 Delta-Simons Project No. 20-0632.01; and Remediation Method Statement La Castagna, Cheal Road, Surfleet, Spalding, PE11 4BA Issued: April 2020 Delta-Simons Project No. 20-0632.01. I recommend discharge of condition 3 of H17-1152-19. Condition 4 remains outstanding.

## **Planning Considerations**

Condition 3 (contaminated land scheme) - SHDC Environmental Protection have reviewed the submitted reports and are content that Condition 3 be discharged.

Condition 6 (door details) - Submitted details are acceptable.

Condition 7 (window details) - Submitted details are acceptable.

Condition 8 (new/replacement brickwork, mortar mix and method of bonding to match existing) - This is a condition that is discharged through the construction process by carrying out the development in accordance with the specific wording of said condition. However, the applicant has advised that existing bricks will be reused wherever possible and the bond method surrounding the brickwork to be replaced will be used. A lime mortar is proposed.

Condition 10 (flood risk assessment) - This condition requires finished floor levels to be set at a minimum of 3.35m OD and is technically also a condition that is discharged through the construction process by carrying out the development in accordance with the approved plans (flood risk assessment). The applicant has confirmed that finished floor levels will be set at 3.920m OD, which is above the minimum requirement.

## **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**

That Conditions 3, 6, 7, 8 & 10 of H17-1152-19 be discharged.