DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H01-0767-22**	**Applicant:**	**Scenic Wilson Developments Ltd**
Proposal:	Details of contamination of land and pollution of controlled waters, refuse and recycling, existing site levels and proposed floor/site levels, surface water disposal, foul water disposal and proposed boundary treatments. (Conditions 6(i), 7, 9, 10, 11 and 13 of H01-0597-21)		
Location:	Adj. 128 Barrier Bank Cowbit Spalding		
Terminal Date:	27th September 2022		

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 2021

Section 2. Achieving sustainable development
Section 5. Delivering a sufficient supply of homes
Section 11. Making effective use of land
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
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application seeks to discharge the following conditions of application H01-0597-21:

Condition 6- Contaminated Land Scheme
Condition 7- Details of Refuse Storage
Condition 9- Details of Existing and Proposed Site Levels
Condition 10- Surface Water Disposal Details
Condition 11- Foul Drainage Details
Condition 13- Details of Boundary Treatment

Site Description

The site is located on the eastern side of Barrier Bank close to the western edge of the village. It is presently occupied by agricultural buildings and open land within the centre of the site. A hedge is located along the site's frontage, a number of trees and an agricultural building are situated along the western and eastern boundary. It is accessed between no. 134 and 128 Barrier Bank. Agricultural land is situated to the west.

History

H01-0757-22- Undecided- Erection of 5 Dwellings - outline approval H01-0597-21 (Reserved Matters)

H01-0597-21- Approved on 11-10-21- Residential Development (Outline).

Consultation Responses

South Holland IDB

Having reviewed the documents submitted in support of the above planning application, please be aware of a potential for conflict between the planning process and the Board's regulatory regime, due to the proposed works also requiring Land Drainage Consent from the Board.

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Environmental Protection Officer SHDC

I have reviewed the Elemental GI Limited 'Phase 1 Geo-environmental assessment for site off Barrier Bank, Cowbit, Spalding' project no. E22131 ref E22131/1/0 dated June 2022 and I am in agreement with the findings. I recommend discharge of part i of condition 6 of H01-0597-21, and look forward to receipt of the site investigation in due course.

Planning Considerations

Condition 6(i)- Contaminated Land Scheme
The Environment Protection Officer has commented with positive feedback and are in agreement with the findings.
The submitted details are considered acceptable and therefore, part (i) of condition 6 may be discharged.

Condition 7- Details of Refuse Storage
The submitted details are considered acceptable and therefore, condition 7 may be discharged.

Condition 9- Details of Existing and Proposed Site Levels
The submitted details are considered acceptable and therefore, condition 9 may be discharged.

Condition 10- Surface Water Disposal Details
The submitted details are considered acceptable and therefore, condition 10 may be discharged.

Condition 11- Foul Drainage Details
The submitted details are considered acceptable and therefore, condition 11 may be discharged.

Condition 13- Details of Boundary Treatment
The existing hedging and proposed boundary treatment of a 1800mm high close board timber fence are considered sufficient to prevent overlooking once the dwellings are built, as the FFLs will only being raised 300mm in this instance. The submitted details are considered acceptable and therefore, condition 13 may be discharged.

Conclusion

Taking the above into account, it is considered that Conditions 6(i), 7, 9, 10, 11, 13 of application H01-0597-21 can be discharged.

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.