DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0124-22**	**Applicant:**	**Blackjack Estates Ltd**
Proposal:	Details of Verification Report to demonstrate the effectiveness of the Construction Phase Remediation (Condition 4b of H02-0901-18)		
Location:	35 Peterborough Road Crowland Peterborough		
Terminal Date:	5th April 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

30 Pollution

National Guidance

National Planning Policy Framework 2021

Section 15 - Conserving and enhancing the natural environment

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Details of Verification Report to demonstrate the effectiveness of the Construction Phase Remediation (Condition 4b of H02-0901-18).

Site Description

As per original application, except development is now well advanced.

History

H02-1071-20 - Details of enabling remediation phase scheme, remediation method statement, existing & proposed site levels, foul & surface water disposal, external materials, boundary treatment, landscaping and storage & disposal of refuse (Conditions 3, 4, 9, 10, 11, 12, 13, 14 & 15

of H02-0901-18) (approved June 2021)

H02-0987-20 - Details relating to contamination (Condition 3 of H02-0901-18) (Approved December 2020)

H02-0901-18 - Full planning application for the proposed erection of 5 dwellings and garaging (approved April 2020)

Consultation Responses

Crowland Parish Council - The Parish Council are happy to leave this to the expertise of the Officers.

SHDC Environmental Protection - I have reviewed the Sherwood Environmental 'CONSTRUCTION PHASE REMEDIATION VALIDATION REPORT 35 Peterborough Road, Crowland' Ref.1009/JH/RVP dated January 2022 and recommend discharge of condition 4b of H02-0901-18.

Planning Considerations

The comments of the Council's Environmental Protection Officer are self-explanatory and the details submitted are considered acceptable.

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 Condition 4b of H02-0901-18 can be discharged.