DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H02-0297-19**	**Applicant:**	**Mr & Mrs P Blackbird**
Proposal:	Details relating to contamination (Condition 3 of H02-0774-18)		
Location:	Plot 2 Land Off Peterborough Road Crowland		
Terminal Date:	10th June 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

30 Pollution

National Guidance

National Planning Policy Framework 2019

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
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an application to discharge Condition 3 (contaminated land scheme) of H02-0774-18 (Erection of detached dwelling and private drive access on land off Peterborough Road, Crowland).

Site Description

The application site is part brownfield, part greenfield and has an area of approximately 0.72 hectares. The site is accessed between numbers 4 and 8 Peterborough Road and is comprised of vacant brownfield land to the front and paddock to the rear. The site is bounded on two sides by long established residential areas. The northern boundary of the plot is currently open, but the east

is lined by deciduous trees. To the west and south of the main body of the site, there is timber fencing to the rear gardens of residential properties. The smaller rectangular area of the site is within the street scene/plots of Peterborough Road and is bounded by timber fencing and low brick walling.

History

H02-0774-18 - Erection of detached dwelling and private drive access (approved 12th October 2018).

H02-1082-15 - Residential development 41 dwellings with associated parking and garages (approved 21st August 2017).

Consultation Responses

Crowland Parish Council - The Parish Council will rely on the expertise of the SHDC Planning Officers regarding this condition compliance.

SHDC Environmental Protection - Reviewed the Ground Engineering Ground Investigation report 'Land off Peterborough Road Crowland Lincolnshire' Ref C14639 dated February 2019 and recommends discharge of part ii of the condition. However, a remediation method statement was requested stating how the asbestos containing soil under the proposed roadway will be dealt with during construction. This was subsequently received and is considered adequate to satisfy part iii of the condition.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

Given the consultation response received from Environmental Protection, it is considered that the information submitted to satisfy Condition 3 of H02-0774-18 is acceptable and that the condition can be discharged in this instance.