DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H02-1182-18**	**Applicant:**	**Woodgate Developments Ltd**
Proposal:	Details of surface water drainage scheme and scheme to deal with contamination (Conditions 8 and 9 of H02-0405-17)		
Location:	Former South View Primary School Albion Street Crowland		
Terminal Date:	31st July 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
30	Pollution

National Guidance

National Planning Policy Framework 2019

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
NORTH LEVEL INTERNAL DRAINAGE BOARD	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 Conditions 8 and 9 (surface water drainage scheme and scheme

to deal with contamination) of H02-0405-17 (residential development - erection of up to 22 dwellings at the former South View Primary School, Albion Street, Crowland).

Site Description

With the former primary school having been demolished, the site is now vacant with areas of hard standing and several mature trees around the perimeter of the site, including a hedgerow along the eastern boundary.

There are bungalows to the west on the opposite side of Albion Street as well as some detached dwellings on the same side as the site. Terraced properties run all along the eastern side of Reform Street. There is a mix of bungalows and two storey dwellings on Broadway.

The site borders the Crowland Conservation Area on two sides at the northern part of the site along Reform Street.

History

H02-0448-18 - Reserved matters application for erection of 22 dwellings (approved August 2018)

H02-0405-17 - Outline application for residential development - erection of up to 22 dwellings (approved August 2017)

Consultation Responses

SHDC Environmental Protection - No objection to the Remediation Method Statement.

LCC Highways/SUDS - No objection.

Anglian Water - No objection.

North Level District IDB - Raises some concern re manner of surface water disposal.

Planning Considerations

SHDC Environmental Protection and LCC (as Lead Local Flood Authority) have no objections to the submitted Remediation Method Statement and proposed surface water drainage strategy respectively and, overall, it is considered that the submitted information in respect of Conditions 8 and 9 of H02-0405-17 is 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 Conditions 8 and 9 of H02-0405-17 can be discharged.