

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H04-0789-22 **Applicant:** Wilf Hammond Homes Ltd

Proposal: Details relating to contamination (Conditions 7 & 8 of H04-0425-22)

Location: Off Town Dam Lane Donington Spalding

Terminal Date: 4th October 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

28 The Natural Environment
30 Pollution

National Guidance

National Planning Policy Framework 2021

National Planning Policy Framework (NPPF, 2021)

Section 15: Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

This application is to discharge conditions 7 and 8 of permission H04-0425-22 (details relating to land contamination).

Site Description

The existing site is flat, is currently comprised of grassland with a drain running along the south-west boundary. The site would be accessed via an existing access off Town Dam Lane that currently serves Barn View and Sileni. The existing boundary treatment of the site is varied with portions of timber, post fencing, tree planting and sporadic hedgerow planting.

History

H04-0425-22 - Residential Development - 6 Dwellings - Approved 8th August 2022.

Consultation Responses

South Holland District Council's Environmental Protection Team
No objections in response to H04-0425-22.

Planning Considerations

South Holland District Council's Environmental Protection Team were consulted on H04-0425-22 and raised no objections with the submitted Geo-environmental Desk Study.

Conclusion

That conditions 7 and 8 of planning permission H04-0425-22 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.