

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H04-0833-19 **Applicant:** Hunting Lodge Cottingham Ltd.

Proposal: Details relating to contamination (Condition 3 of H04-0667-17)

Location: 5 William Close Donington Spalding

Terminal Date: 16th October 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
30	Pollution

National Guidance

National Planning Policy Framework 2019

Sections 5, 12, 14 & 16 of the National Planning Policy Framework (2019)

- 5 - Delivering a sufficient supply of homes
- 12 - Achieving well-designed places
- 14 - Meeting the challenge of climate change, flooding and coastal change
- 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application relating to contamination concerning condition 3 of H04-0539-17 at 5 William Close, Donington for a housing plot.

Site Description

This plot is reached by a private drive which is intended to serve 5 detached bungalows which forms a small residential development. The residential development has been partially developed with the original dwelling sitting on plot 2. The new dwellings on plots 3 and 4 have already been erected and plots 1 and 5 are still vacant. Plot 1 is subject of this application. There is a long gravel drive into the site, and some industrial buildings from a commercial site to the north of the site. There is a residential dwelling to the south of the small residential estate along Malting Lane.

History

H04-0276-80

Full - Use of site of haulage business and erection of loading bay, office, storage shed and siting of oil storage tank - Approved - 25 June 1980.

H04-0980-83

Full - Additional car park for employees - Approved - 08 February 1984.

H04-1051-04

Outline - Residential development of 4 dwellings - Approved - 13 October 2004.

H04-0938-05

Outline - Residential development - two bungalows - Approved - 02 September 2005.

H04-0667-07

Reserved Matters - Erection of 4 dwellings and associated works (outline H04/1051/04) - Approved - 12 July 2007.

H04-0749-09

Outline - Residential development - Erection of 6 dwellings - Approved - 12 November 2009.

H04-0816-12

Outline - Residential development - erection of 6 dwellings (renewal of outline application H04-0749-09) - Approved - 21 November 2012.

H04-0967-13

Full - Residential development - erection of 2 dwellings - Approved - 18 December 2013.

H04-0197-16

Full - Residential development - erection of 2 bungalows - Approved - 19 April 2016.

H04-0761-16

Condition Compliance - Details of design and position of metre boxes (Condition 6 of H04-0197-16) - Approved - 09 August 2016.

H04-0667-17

Full - Residential development - Erection of one dwelling - Approved - 30 August 2017.

Consultation Responses

SHDC - Environmental Protection Officer

No objections

Planning Considerations

Compliance with Condition 3 of H04-0667-17

Condition 3 of H04-0667-17 stated:

"The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures:

iv) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement which was approved under reference H04-1015-16. Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Note

The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

The applicant's attention is also drawn to the document entitled "Developing Land Within Lincolnshire - A guide to submitting planning applications to develop land that may be contaminated", which can be obtained through the Local Environmental Health Department.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan, 2006."

The Environmental Protection Officer has no concerns with the submitted soil test data and recommends discharge of the condition.

Conclusion

Condition 3 of H04-0667-17 can now be discharged as request information confirms compliance with the condition to the satisfaction of the Environmental Protection Officer.

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.