DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H07-0002-20**	**Applicant:**	**Mr & Mrs G Merrison**
Proposal:	Details of Contamination Report and Archaeology Report (Conditions 5 & 6 of H07-0622-17)		
Location:	Plot 2 West Drove South Gedney Hill Spalding		
Terminal Date:	4th March 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
29	The Historic Environment
30	Pollution

National Guidance

National Planning Policy Framework 2019

Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application is to discharge conditions 5 (contamination) and 6 (archaeology) of H07-0622-17.

Description

The site (total area some 0.17ha) was formerly agricultural land on the western side of West Drove South. A private roadway is currently situated to the north-east, which serves agricultural premises and an associated dwelling to the rear. Two detached houses are located beyond and thereafter a row of semi-detached affordable houses. Residential development is situated opposite.

History

H07-0622-17 - O/A - Residential development (two building plots) - Granted 22 August 2017.

H07-0817-19 - Full - Residential development - Granted 29 October 2019.

H07-1132-19 - C/C - Details of final Archaeological Report (Condition 6 of H07-0817-19) - Approved 21 January 2020.

H07- 1103-19 - C/C - Details of soakaway system (Condition 4 of H07-0817-19) - Approved 23 January 2020.

Consultation Responses

SHDC Environmental Protection - Recommend discharge of condition 5 of H07-0622-17.

LCC Archaeology - Recommend that condition 6 be discharged.

Planning Considerations

Condition 5 (Contamination) - SHDC Environmental Protection have reviewed the Geoenvironmental Desk Study Phase 1 prepared by Goldfinch Environmental Ltd (Report Ref: 0642/1 Dated September 2019) and have recommended discharge of condition 5 of H07-0622-17. This is subject to a note relating to unexpected contamination.

Condition 6 (Archaeology) - LCC Archaeology have confirmed that the specification submitted meets all their requirements in respect of Condition 6 of permission H07-0622-17. They therefore recommend that Condition 6 be discharged.

Conclusion

That conditions 5 and 6 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.