

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-1032-19 **Applicant:** Mr & Mrs R Kent

Proposal: Details of contamination, foul and surface water disposal and boundary treatment (Conditions 5, 6 and 8 of H09-0055-18)

Location: Low Lane Holbeach Spalding

Terminal Date: 13th December 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
04 Approach to Flood Risk
30 Pollution

National Guidance

National Planning Policy Framework 2019

Section 12. Achieving well-designed places
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
HIGHWAYS & SUDS SUPPORT	0	0	1	0
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application to seek approval of the details for the residential

development which obtained outline permission under application ref. H09-0055-18. Details of contamination, foul and surface water disposal and boundary treatment were requested respectively by Conditions 5, 6 and 8 of the outline approval.

Site Description

The site is within the built-up area of Holbeach and its settlement boundaries as set out in the Inset Map for the town in the South East Lincolnshire Local Plan, 2019.

The site is narrow and of triangular shape constrained by A17 to the north and Low Lane to the south. There is a public footpath adjacent to the eastern site boundary. A pumping station is further down the road. The cul-de-sac end is a few metres further to the west. Highly mature trees and bushes screen view from A17 to the site. The frontage development beyond the pumping station is a new built residential scheme that was approved by allowing a planning appeal (application ref. H09-0454-15).

History

H09-0055-18 - Residential Development - Approved

H09-1223-18 - Erection of dwelling - Outline approval H09-0055-18 (re-submission of H09-1223-18) - Approved

H09-0841-19 - Erection of dwelling - Outline approval H09-0055-18 (re-submission of H09-1223-18) - Approved

Consultation Responses

SHDC Environmental Protection

No objection.

"I have reviewed the information submitted (Goldfinch Environmental Limited Geoenvironmental desk study ref. 0575/1 dated November 2018) and I recommend that condition 5 of H09-0055-18 be discharged in full. As always, the developer is reminded that should any contamination be encountered the situation must be reviewed."

Lincolnshire County Council as Local Highway and Lead Local Flood Authority

No objection.

SHDC Environmental Health

No objection.

Planning Considerations

Land contamination

Goldfinch Environmental Limited Geoenvironmental desk study ref. 0575/1 dated November 2018 has been submitted in accordance with the requirements of Condition 5.

The report concludes that there were no notable features present on the site in the context of land contamination other than inert made ground. After careful consideration of this report, the specialist consultee has no objection to the discharge the condition.

Flood risk and drainage

Foul water is proposed to be conveyed through a 150mm pipeline crossing the western part of the site and eventually disposed into the mains sewer network in the road. Surface water runoff would be disposed of via soakaways on site. It is known that no difficulty of soil permeability has been identified so far in the area. The proposed means of foul and surface water disposal would be in two separate systems as required by Condition 6.

Landscaping and boundary treatment

The landscaping strategy as extended is acceptable to the extent that it is responsive to the nature of the development and its surroundings. It is worth mentioning the 1.8 metre high acoustic fencing to mitigate any significant noise pollution from the highway A17 running to the north.

Conclusion

The details provided with this application are acceptable in accordance with the requirements contained in Conditions 5, 6 and 8 of the outline approval. No objection has been raised from the consultees. It is therefore recommended to approve this application via delegated powers.

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.