DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-1091-23**	**Applicant:**	**Mr P Hutchinson**
Proposal:	Details of scheme to deal with contamination of land or pollution of controlled waters (Condition 4 of H09-1232-21)		
Location:	Milestone Lodge 138 Spalding Road Holbeach		
Terminal Date:	30th January 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

30 Pollution

National Guidance

National Planning Policy Framework 2023

Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

H09-1091-23

Proposal

This is a condition compliance application relating to Condition 4 of H09-1232-21, concerning land contamination.

Site Description

The application site is located on Spalding Road to the north-east of Holbeach. Despite its close proximity to Holbeach, the site is outside any settlement boundary and within the open countryside. It contains a detached two storey dwelling with extensive gardens to the front and rear. A number of flat roofed outbuildings are located to the north-west of the dwelling. There are residential dwellings to the south of the site. The site is bounded by open countryside to the north, east and west.

Relevant History

H09-1232-21 - Full. Proposed workshop and demolition of existing workshop. Approved 21/01/22.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Environmental Protection

"The information submitted in respect of the request to discharge of condition 4 of H09-1232- 21 falls short of that usually expected. Our records indicate that the development is within 250m of two former landfill sites. However, reviewing the information submitted including the floor slab detail and that the building is not habitable, I will recommend discharge of the condition."

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Condition 4

The relevant consultee from SHDC Environmental Protection has stated that, despite the minimal information submitted, Condition 4 of H09-1232-21 should be discharged. The proposed workshop would not be habitable, and therefore, the potential impacts of pollution are negligible.

Based upon the response by the relevant consultee, it is considered appropriate to recommend the discharge of Condition 4.

Conclusion

Condition 4 of H09-1232-21 can 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.