DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-0045-22**	**Applicant:**	**GEDA Construction**
Proposal:	Details of scheme to deal with contamination (Condition 7 of H11-0916-16)		
Location:	Station Road Long Sutton Spalding		
Terminal Date:	21st March 2022		

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 2021

NPPF 2021.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Details of scheme to deal with contamination (Condition 7 of H11-0916-16).

A revised report was provided as a result of discrepancies in the original submission relating to the treatment of Plot 16.

History

H11-0916-16. Proposed redevelopment of existing haulage yard for 40 dwellings. APPROVED 28-03-19.

H11-0595-20. SECTION 73. Proposed re-development of existing haulage yard for 40 dwellings -

approved under H11-0916-16. Modification of Condition 2 to allow amendments to previously approved plans to accommodate a revised water line. APPROVED 10-11-20.

H11-0424-19. CONDITION COMPLIANCE. Details of Condition 4 (estate roads), 5 (surface water drainage), 6 (foul water disposal), 7 (land contamination), 8 (construction management), 9 (landscaping), 10 (landscape management & maintenance), 11 (lighting), 12 (boundary treatment), 13 (external materials), 14 (gas & electricity box) and 16 (Site/floor levels) of H11-0916-16 - Proposed redevelopment of existing haulage yard for 40 dwellings. APPROVED 26.6.19.

H11-0536-19. NON MAT AMENDMENT. Proposed re-development of existing haulage yard for 40 dwellings approved under H11-0916-16. Amendments relating to windows and paving in rear gardens. APPROVED 14-06-19.

H11-0506-21 . CONDITION CONSIDERATION. Details of scheme to deal with contamination and construction management plan details (Conditions 7 and 8 of H11-0916-16). APPROVED 19-10-21.

Consultation Responses

SHDC Environmental Health

Has reviewed the EMCUS 'SUPPLEMENTARY REMEDIATION WORKS COMPLETION REPORT For GEDA CONSTRUCTION LIMITED On a Site at STATION ROAD, LONG SUTTON, SPALDING, LINCOLNSHIRE Ref MJH/J2011/D2/2 Revision Second dated 8/2/22 and recommend discharge of condition 7 of H11-0916-16 in full.

Planning Considerations

Condition 7 - Contaminated Land Scheme

"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 revised contaminated land scheme has been considered in great detail, and revisions sought during the process. The details are now considered to be acceptable.

The proposal accords with Policy 30 of the South East Lincolnshire Local Plan in this regard.

Conclusion

Approve.

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.