DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H13-0858-20**	**Applicant:**	**Postland Developments Ltd.**
Proposal:	Details relating to contamination (Condition 13 of H13-0844-17)		
Location:	Chapel Walk South Of Roman Road Moulton Chapel		
Terminal Date:	27th November 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

30 Pollution

National Guidance

National Planning Policy Framework 2019

Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

Details relating to contamination (Condition 13 of H13-0844-17).

Site Description

As original application but it is noted that site preparation works are underway.

History

H13-0229-21 - Details of storage & disposal of refuse & recycling (Condition 12 of H13-0844-17) (undetermined)

H13-0496-20 - Details of Conditions 3 (iii & v), 15, 17, 18, 19, 20 and 22 of H13-0844-17) (approved March 2021)

H13-1148-20 - Details of reserved matters for schedule of materials and landscaping and tree planting - outline approval H13-0844-17 (approved March 2021)

H13-1107-20 - Details of landscaping and tree planting, boundary treatment, public open space &

landscape management (Conditions 8, 9, 10 & 11 of H13-0844-17) (approved March 2021)

H13-0858-20 - Details relating to contamination (Condition 13 of H13-0844-17) (undetermined)

H13-0370-19 - Details Relating to Archaeology (Condition 5 of H13-0844-17) (approved April 2020)

H13-1096-19 - Reserved matters application for residential development - comprising 58 dwellings and associated works - outline approval H13-0844-17 (approved February 2020)

H13-0844-17 - Outline application for proposed development of up to 58 houses with vehicular access (garages to be removed) (resubmission of H13-1280-16) (approved October 2018)

Consultation Responses

SHDC Environmental Protection - Recommends discharge of part ii, with part iii (verification report) outstanding.

Planning Considerations

The Council's Environmental Protection Officer for contaminated land has no objections to the submitted details. They are therefore considered acceptable.

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.

Conclusion

Taking the above into account, it is considered that Part ii of Condition 13 of H13-0844-17 can be discharged. Part iii (verification report) is outstanding.