

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0754-20 **Applicant:** Longhurst Group Ltd.

Proposal: Details of remediation requirements in relation to contamination (Condition 7 (ii) of H16-0853-17)

Location: Former Welland Hospital Site Holbeach Road/Roman Bank Spalding

Terminal Date: 5th November 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
05	Meeting Physical Infrastructure and Service Needs
30	Pollution
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of remediation requirements in relation to contamination (Condition 7 (ii) of H16-0853-17). Since submission additional detailing has been received.

Site Description

As host application.

History

H16-0678-20. CONDITION COMPLIANCE. Details of surface water drainage (Condition 6 of H16-0459-19).

H16-0542-20. NON MAT AMENDMENT. Residential Development of 36 Dwellings and associated works - approved under H16-0459-19. Change of connection point for foul drainage purposes. Approved. 05-08-20

H16-0397-20. CONDITION COMPLIANCE. Details of construction management plan, prevention of mud deposits on road, remediation strategy and refuse collection points (Conditions 5, 6, 7i and 8 of H16-0853-17). Approved. 05-08-20.

H16-0459-19. Residential development of 36 dwellings and associated works - Outline approval
H16-0853-17. Submission of reserved matters relating to Access, Appearance, Landscaping, Layout and Scale. Approved 05-08-19.

H16-0853-17. Outline. Residential development for up to 36 residential units and associated works. Approved 15-01-19.

Consultation Responses

SHDC Environmental Protection

Has reviewed the Delta-Simons Limited report 'Remediation and Verification Statement Former Welland Hospital Site, Holbeach Road/Roman Bank, Spalding PE11 2HY' project no 18-1093.02 revision 3 dated 2/11/2020 and recommend discharge of part ii of condition 7 of H16-0853-19 -. Part iii remains outstanding.

Planning Considerations

Details of remediation

As can be seen from the response of the SHDC Environmental Protection Officer, the submitted details are now considered to be acceptable and are sufficient to discharge this application, which relates solely to Condition 7 (ii) of the host consent.

Impact on levels across the development

There are no changes to levels being introduced by the is proposal.

Conclusion

Approve details of Condition 7 (ii).

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.