DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-0641-22**	**Applicant:**	**Mr T Forman**
Proposal:	Details of written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters (Condition 4 iii of H17-0346-19)		
Location:	Land Between 12 Flaxmill House & Old Lammas Reservoir Road		
Terminal Date:	29th August 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

30	Pollution

National Guidance

National Planning Policy Framework 2021

Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed places
Section 12 - Meeting the challenge of climate change, flooding and coastal change.

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

The application seeks to discharge the following conditions of application H17-0346-19:

Condition 4 iii- Contaminated Land Scheme

Site Description

The application site is located between two existing frontage two storey dwellings (known as Flaxmill House and Old Lammas) and is part of a wider agricultural field which extends to the rear of these properties. There are two detached properties opposite. The majority of dwellings in the vicinity are large and set within generous sized plots. There is existing close boarded fencing along the eastern boundary, the northern and southern boundaries are open and the western boundary is mostly open.

The site is located within the settlement boundary for Surfleet as set out in the South East Lincolnshire Local Plan (2019).

History

H17-0346-19- OUT- Approved on 13-05-19- Residential development - 2 plots.

Consultation Responses

Sue Armour, Environmental Protection Officer

Condition 4(iii) is considered to be acceptable, given the following report. Therefore, happy to discharge part iii of the condition, then part iv will be discharged once they have done this also.

Planning Considerations

Condition 4 iii- Contaminated Land Scheme- Written Method Statement

SHDC Environmental Protection have no objections to the submitted Contamination Land Scheme Report and, overall, it is considered that the submitted information in respect of Condition 4 iii of H17-0346-19 is acceptable.

Conclusion

Taking the above into account it is considered that Condition 4 iii of H17-0346-19 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.