DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-1294-21**	**Applicant:**	**Kirk Homes Ltd.**
Proposal:	Details of scheme to deal with contamination (Condition 3 of H17-0005-21)		
Location:	Smithfield Scoldhall Lane Surfleet		
Terminal Date:	7th February 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

30 Pollution

National Guidance

National Planning Policy Framework 2021

Section 15 - Conserving and enhancing the natural environment

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Details of scheme to deal with contamination (Condition 3 of H17-0005-21).

Site Description

As original application.

History

H17-0005-21

Full - Demolish existing farm buildings, remove concrete hardstanding and erection of new farm shop store, contractors office and storage yard - Approved - 29 March 2021.

H17-1001-21

s73 - Demolish existing farm buildings, remove concrete hardstanding & erection of new farm shop

store, contractors office & storage yard - approved under H17-0005-21. Modification of Condition 4 to read 'no storage of materials, machinery, vehicle, waste or other items shall take place outside the buildings on the front of the site - Approved - 01 December 2021.

Consultation Responses

SHDC Environmental Protection - I have reviewed the GrangeGeo 'Phase 1 Desk Study Report - Smithfield, Scoldhall Lane, Surfleet' Ref R21071 dated October 2021 and am in general agreement with the findings. The report recommends that some site investigation works are undertaken, and during these I suggest that the potential for asbestos in the wider soils be considered, as well as identifying potential areas of former bonfires. No comment is made regard the potential for the former glass houses to have been heated and if they were, what any fuel source may have been. The report recommends that further consideration be given to the potential for ground gas, and I agree that this should be addressed. I therefore recommend discharge of part i of condition 3 of H17-0005-21 with parts ii-iv remaining outstanding.

Planning Considerations

The comments of the Council's Environmental Protection Officer are self-explanatory and the details submitted to date are 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

Part (i) of Condition 3 of H17-0005-21 can be discharged.