DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H18-0247-20**	**Applicant:**	**D Brown (Building Contractors) Ltd**
Proposal:	Details of scheme to deal with contamination (Condition 5 of H18-1028-19)		
Location:	Off Kenzie Drive Sutton Bridge Spalding		
Terminal Date:	7th May 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

30 Pollution

National Guidance

National Planning Policy Framework 2019

Section 15

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

The application is to discharge condition 5 of H18-1028-19 (details of scheme to deal with contamination).

Site Description

The site (some 0.05 ha) is presently vacant land situated off Kenzie Drive. A house is situated to the east and Sutton Bridge Medical Centre to the west. Industrial units are located to the south. A number of trees are situated immediately to the south, including Ash, Sycamore and Willow.

History

H18-1014-18 - O/A - Residential development (3 no. houses) - Granted 19 November 2018.

H18-1028-19 - Full - Erection of 2 dwellings - Granted 12 December 2019.

Consultation Responses

Environmental Protection - I have reviewed the D Brown Builders letter dated 30th September 2020 and email from Des Ford dated 6/10/2020 and I recommend discharge of part iii of condition 5 of H18-1028-19. Part iv remains outstanding until validation is received.

Planning Considerations

The application is accompanied by a Stage One Environmental Desk Study, plus addendum, details of soil samples, etc. Environmental Protection have indicated that they "have reviewed the D Brown Builders letter dated 30th September 2020 and email from Des Ford dated 6/10/2020 and recommend discharge of part iii of condition 5 of H18-1028-19. Part iv remains outstanding until validation is received."

The applicant has indicated (email dated 29 September 2020) that remediation would include the removal of 300mm of soil to the back garden areas of both plots within this site and the replacement of 600mm of British standard tested top soil and that this would not conflict with the approved plans in terms of site levels.

Conclusion

That condition 5 of H18-1028-19 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.