DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H20-0977-19**	**Applicant:**	**Kirk Home Developments Ltd.**
Proposal:	Details of external materials, contamination, landscaping, boundary treatment and construction management plan (Conditions 3, 4, 5, 6 and 9 of H20-0043-18)		
Location:	Adj. Havencombe Chapelgate Sutton St James		
Terminal Date:	26th February 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Details of external materials, contamination, landscaping, boundary treatment and construction management plan (Conditions 3, 4, 5, 6 and 9 of H20-0043-18).

Since submission the hours of working during construction have been amended at the request of the case officer.

Site Description

As host application.

History

H20-0043-18 Residential development for 27 dwellings including roads. Approved 25-02-19.

H20-0284-16 - Outline permission granted for residential development of 42 dwellings, subject to S106 on 6 June 2017.

Consultation Responses

SHDC Environmental Protection

No objection.

The report contains sufficient information such that part ii of the condition has been satisfied.

The report clearly identifies that remedial action is required at this location in order to ensure a safe development, and therefore a remediation method statement must be submitted in order to discharge part iii.

I have some reservations regarding the proposed remediation, and there are a number of options available to the developer at this stage. The consultant has divided the site into two sections. To the east, the 'paddock site' and to the west the 'pig farm site'.

I agree with the conclusion that no further action is required in the easterly 'paddock site'.
The consultant has proposed a simple cover system for the whole of the 'pig farm site', in areas of soft landscaping. They have proposed a 600mm soil cap and possibly a marker membrane to prevent soil mixing.

Whilst I feel this may be appropriate in the central and northern part of the 'pig farm site', I do not consider that this is a sufficiently robust solution in the animal burial area to the south in order to protect both future users and the water environment.

The report states that 'levels of bacterial spores in the soils are at a level where they are likely to require removal to ensure safe occupation of the site for use as residential properties in the future' and 'it is considered that the site may be having a detrimental impact on the nearby surface water network'. On this basis, I consider it likely that some soil removal, particularly in the southern part of the western half of the site will be required, in order to ensure a safe development.

LCC Highways & SUDS

No objection

Planning Considerations

Condition 3 Materials Schedule

The materials listed on plan ref SD16-049/3G are considered to be acceptable.

Condition 4 Part ii Contaminated Land Scheme

The EHO now has no objection and the submission is acceptable.

Condition 5 Landscaping Detail - Full

The landscaping details shown on plan ref SD16-049/3G are considered to be acceptable.

Condition 6 Boundary Treatments

The boundary treatment details shown on plan ref SD16-049/3G are considered to be acceptable.

Condition 9 Construction Management Scheme

The Construction Management Scheme has been amended and is considered to be acceptable.

Conclusion

Approve.

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.