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| <b>DECISION DELEGATED TO DEVELOPMENT MANAGER</b> |
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|------------------------|---------------------------------------------------------------------------------------------------|-------------------|-------------------------|
| <b>Application No:</b> | <b>H22-0257-20</b>                                                                                | <b>Applicant:</b> | <b>Sennen Homes Ltd</b> |
| <b>Proposal:</b>       | Details relating to contamination and surface and foul water (Conditions 8 and 11 of H22-1045-17) |                   |                         |
| <b>Location:</b>       | 87 Moulton Chapel Road Cowbit Spalding                                                            |                   |                         |
| <b>Terminal Date:</b>  | 10th August 2020                                                                                  |                   |                         |

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**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

|    |                           |
|----|---------------------------|
| 02 | Development Management    |
| 03 | Design of New Development |
| 04 | Approach to Flood Risk    |
| 30 | Pollution                 |

**National Guidance**

**National Planning Policy Framework 2019**

Sections 14 and 15

**Representations:**

|                                       | Object | Support | No Obj. | Comments |
|---------------------------------------|--------|---------|---------|----------|
| HIGHWAYS & SUDS SUPPORT               | 0      | 0       | 0       | 1        |
| SOUTH HOLLAND INTERNAL DRAINAGE BOARD | 0      | 0       | 0       | 1        |
| SHDC INTERNAL                         | 0      | 0       | 0       | 1        |
| OTHER STATUTORY BODIES                | 0      | 0       | 0       | 1        |

|                                       |
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| <b><u>CASE OFFICER ASSESSMENT</u></b> |
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## **Proposal**

The application is to discharge conditions 8 (contamination) and 11 (drainage) of H22-1045-17, which was allowed on appeal.

## **Site Description**

The site (some 0.46 ha) is located on the southern side of Moulton Chapel Rd some 320 metres to the east of the A16 roundabout. The eastern section is occupied by buildings and is presently a builders/electoral contractor's yard and the western section is a grassfield. A shallow drain runs along the site's frontage.

## **History**

H22-1045-17 - Outline - Residential development (6 plots), SNG Electrical Ltd, 87 Moulton Chapel Rd, Cowbit - Refused 29 January 2018. Allowed on appeal.

H22-1145-19 - RM - Residential development (6 dwellings) - Approved 27 January 2020.

## **Consultation Responses**

LCC Highways/SUDs - Does not wish to restrict the grant of permission.

SHIDB - Require land drainage consent.

SHDC Environmental Protection - No objections.

## **Planning Considerations**

### **Condition 8 (Contamination)**

Following a review of Stuart Guy Consulting Report number 20-02-02 Addendum Date 28th April 2020 Environmental Protection recommend discharge of conditions 8 & 9 of H22-1045-17, but remind the applicant of the condition which relates to the discovery of contamination during construction.

### **Condition 11 (Drainage)**

Foul water would be disposed of to a mains sewer.

Surface water would be disposed off to a piped watercourse along the site's frontage and thereafter to a SHIDB drain. Separate land drainage consent will therefore be required from the SHIDB.

## **Conclusion**

That conditions 8 (contamination) and 11 (drainage) of H22-1045-17 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.