DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H22-0274-20**	**Applicant:**	**Datum 1 Ltd**
Proposal:	Details relating to contamination (Condition 3 of H22-1212-19)		
Location:	Land Adj. 50 Moulton Chapel Road Cowbit Spalding		
Terminal Date:	5th June 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
30	Pollution

National Guidance

National Planning Policy Framework 2019

Sections 5 and 12 of the National Planning Policy Framework (2019)

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance for details relating to contamination (Condition 3 of H22-1212-19) on Land adjacent 50 Moulton Chapel Road, Cowbit. The parent application was to demolish the existing packhouse and erect 3 new bungalows.

Site Description

The proposal is outside of defined settlement limits and the surrounding area is semi-rural characterised by buildings of varying ages and design. The building on site has been demolished and the land cleared, prepared for development.

History

H22-0851-15

Prior Approval - Change of use of pack-house, general and cold store building into 2 dwellings - Approved - 23 October 2015

H22-1124-15

Full - Proposed new field access - Approved - 25 January 2016

H22-0915-16

Full - Change of use of pack-house, general and cold store building into 3 dwellings - Approved - 08 November 2016.

H22-0891-18

Full - Demolish existing pack-house and erect 3 new bungalows - Approved - 26 October 2018

H22-1212-19

Section 73 - Demolish existing pack-house and erect 3 new bungalows - approved under H22-0891-18. Modification of Condition 2 to allow amendments to previously approved plans - Approved - 06 February 2020.

Consultation Responses

Environmental Protection Officer

Recommends discharge of condition 3 of H22-1212-19 in full.

Planning Considerations

Discharge of condition

The Environmental Protection Officer has no objections to the submitted contamination reports. The Local Planning Authority has no additional observations. This applicaton is assessed against Policy 30 of the SELLP which concerns pollution and states:

"Development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon:
1. health and safety of the public;
2. the amenities of the area; or
3. the natural, historic and built environment; by way of:
4. air quality, including fumes and odour;
5. noise including vibration;
6. light levels;
7. land quality and condition; or
8. surface and groundwater quality.

Planning applications, except for development within the curtilage of a dwelling house as specified within Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development)(England) Order 2015, or successor statutory instrument, must include an

assessment of:

9. impact on the proposed development from poor air quality from identified sources;
10. impact on air quality from the proposed development; and
11. impact on amenity from existing uses.
Suitable mitigation measures will be provided, if required. Proposals will be refused if impacts cannot be suitably mitigated or avoided.
Development proposals on contaminated land, or where there is reason to suspect contamination, must include an assessment of the extent of contamination and any possible risks. Proposals will not be considered favourably unless the land is, or can be made, suitable for the proposed use."

It is considered that the proposal will make good use of brownfield land and will not substantially raise any pollution matters.

Conclusion

The Local Planning Authority recommends discharge of condition 3 of H22-1212-19 in full.

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.