DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H23-0223-20**	**Applicant:**	**South Lincolnshire Developments Ltd**
Proposal:	Details of construction management and contamination assessment (Conditions 8 and 11 of H23-0535-18)		
Location:	The Sycamores Farmyard Church Gate Whaplode		
Terminal Date:	1st May 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
02	Development Management
03	Design of New Development
30	Pollution

National Guidance

National Planning Policy Framework 2019

Section 15

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

The application is to discharge conditions 8 and 11 of H23-0535-18 (details of construction management and contamination assessment).

Site Description

The site (some 0.58 ha) is a former farmyard located on the eastern side of Churchgate, Whaplode. The northern boundary is de-lineated by an open drain, with a public footway and residential development beyond. Open agricultural land is situated to the east and a public playing field to the south west. Dwellings are located to the west between the site and Churchgate and St Mary's Church (grade I listed) is situated on the western side of Churchgate behind a row of dwellings.

Mature trees are situated along the northern boundary and also immediately to the south west (Hawthorn, Sycamore and Beech) within the playing field. A Sycamore tree along the northern boundary is the subject of a tree preservation order.

History

H23-0535-18 - Full - Residential development - 8 dwellings including private drive - Granted 21 August 2018.

Consultation Responses

LCC Highways - No objections.

SHDC Environmental Protection (Contamination) - Recommend discharge of condition in full.

SHDC Environmental Protection (Noise) - No objections.

Planning Considerations

Condition 8 (Construction Management) - A construction method statement has been submitted relating to permitted hours of site working, vehicle movements, protection of public, noise and vibration, dust and debris, etc.

It indicates, inter alia, that the permitted hours of work would be 7.30am to 5.30pm Mondays to Fridays and 8am to 1pm on Saturdays. No delivery or contractor vehicles would park on the public highway unless absolutely necessary and noise and vibration would be kept to a minimum by methods of work that conform with the 'Code of Practice for Noise & Vibration Control on Construction and Open Sites'. SHDC Environmental Protection (noise) and LCC Highways have raised no objections.

Condition 11 (Contamination) - SHDC Environmental Protection has reviewed the Phase 1 (desk study) report and the additional information sent by email on 20/01/2020 and recommend discharge condition 11 of H23-0535-18 in full.

Conclusion

That conditions 8 and 11 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.