

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H03-0908-19 **Applicant:** Jelson Ltd

Proposal: Details of Interpretative Report on Ground Investigation Report (Part ii of Condition 11 of H03-0331-16)

Location: Caultons Field West: Littleworth Drove Deeping St Nicholas

Terminal Date: 27th January 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
28 The Natural Environment
30 Pollution

National Guidance

National Planning Policy Framework 2019

NPPF

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Details of Interpretative Report on Ground Investigation Report (Condition 11 of H03-0331-16)

Site Description

As host permission.

History

H03-0331-16. Outline planning application for the erection of up to 66 dwellings (with means of access to be considered). Approved. 23-11-16

H03-0631-19. Details of noise and vibration report, existing and proposed site and floor levels, management and maintenance of proposed streets, surface water drainage scheme and external materials (Conditions 12, 14, 17, 19 and 24 of H03-0331-16). Approved 19 Sept 2019.

H03-0761-19. Details of landscaping, open space and management plan for open space and outdoor play area including maintenance schedules (Conditions 20, 22 and 23 of H03-0331-16) - Outline planning application for the erection of up to 66 dwellings. Approved. 19.9.19.

H03-0852-19. Details of archaeological investigation, construction management, precautions for mud deposits, design and position of cycle racks and boundary treatment (Conditions 5, 6, 8, 9, 10 and 21 of H03-0331-16). Approved. 23.10.19.

H03-0968-19. Details of Ecology Enhancement Scheme (Condition 28 of H03-0331-16). Approved. 7.11.19.

H03-1175-19. Details of external materials, design and position of external boxes, soil vent pipes and flues (Conditions 24 and 25 of H03-0331-16). Approved. 3.1.20.

Consultation Responses

Environmental Protection

The details of Interpretive Report on the Ground Investigation Report are now considered to be adequate to discharge part ii of condition 11 of H03-0331-16, however in order to discharge part iii more detail is required, specifically matters regarding the validation of soil removal and subsequent encapsulation, and the suitability of replacement soil.

Planning Considerations

Condition to be discharged

The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures:

ii) a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA without delay upon completion.

iii) thereafter, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing by the LPA.

iv) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Note

The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

The applicant's attention is also drawn to the document entitled "Developing Land Within

Lincolnshire - A guide to submitting planning applications to develop land that may be contaminated", which can be obtained through the Local Environmental Health Department.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan, 2006.

The details of Interpretive Report on the Ground Investigation Report are now considered to be adequate to discharge part ii of condition 11 of H03-0331-16, however in order to discharge part iii more detail is required, specifically matters regarding the validation of soil removal and subsequent encapsulation, and the suitability of replacement soil.

As this is the case it is recommended that only part ii of condition 11 of H03-0331-16 is discharged and an informative added to the decision notice to explain.

Conclusion

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.