DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H05-0055-25**	**Applicant:**	**GEDA Construction**
Proposal:	Details of contamination verification report (Condition 15 of H05-0326-24)		
Location:	50 Fleet Road Holbeach Spalding		
Terminal Date:	18th March 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
28	The Natural Environment
31	Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework December 2024

Section 2. Achieving sustainable development.
Section 12. Achieving well designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 15. Conserving and enhancing the natural environment.

Representations:

	Object	Support	No Obj.	Comments
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge Condition 15 of planning approval H05-0326-24, relating to details of contamination verification report.

Planning approval H05-0326-24 was a Section 73 application that granted planning permission for a residential development of 25 dwellings (Phase 2), The Section 73 was to allow the modification of Condition 1 to allow amendments to previously approved plans.

Site Description

The application site (approximately 1.1ha) was formerly grassland located to the rear of residential properties on the southern side of Fleet Road. Dwellings are situated to the north fronting Fleet Road and semi-detached houses off Chapman Mews to the north-west. The site to the west has approval for 55 dwellings. Residential properties are located further to the west off Branches Lane. Open land is situated to the east.

History

H05-1183-16 - O/A - Residential development - 55 dwellings including demolition of existing house - Approved 25 January 2018 subject to S106 planning agreement dated 15 January 2018.

H05-0468-18 - O/A - Residential development (Phase 2) - 25 dwellings (access via Phase 1 approved by virtue of planning permission ref. H05-1183-16) - Approved 1 April 2019 subject to a S106 planning agreement.

H05-0670-20 - RM - Residential Development - 55 dwellings including demolition of existing house - outline approval H05-1183-16 - Approved 11 October 2021.

H05-1168-21 - Cond Comp - Details of boundary screening, roads & footways, surface water drainage, foul water disposal, construction management plan, plan illustrating areas of publicly accessible open space, landscape management & maintenance schedule, means & storage of refuse & recycling and scheme to deal with contamination & pollution (Conditions 5, 6, 9, 10, 11, 12, 15, 16 & 18 of H05-1183-16) - Approved 1 March 2022.

H05-1209-21 - Cond Comp - Details relating to estate road & associated footways & finished surface levels, management plan for open spaces & outdoor play areas and protected species survey (Conditions 8, 14 & 19 of H05-1183-16) - Approved 28 February 2022.

H05-0066-22 - Modified Agreement - Modification of 106 Agreement to update clause 8.10 (mortgagee in possession to bring into line with current policy) - relating to planning approval H05-1183-16 - Approved 27 June 2022.

H05-0204-22 - S73 - Residential Development - 55 dwellings including demolition of existing house - approved under H05-1183-16. Modification of Conditions 7 & 8 relating to highway & footpath details - Approved 30 June 2022.

H05-0303-22 - RM - Residential Development of 25 Dwellings (Phase 2) outline approval H05-0468-18 (with access via Phase 1 approved by virtue of planning permission H05-1183-16) - Approved 20 February 2023.

H05-0439-22 - NMA - Residential Development - 55 dwellings including demolition of existing house - approved under H05-0670-20. Amendments to swale design - Approved 12 May 2022.

H05-0446-22 - S73 - Residential development - 55 dwellings including demolition of existing house - approved under H05-0670-20. Modification of Condition 1 to allow amendments to previously approved plans - Approved 25 July 2022.

H05-0770-22 - S73 - Residential Development - 55 dwellings including demolition of existing house - approved under H05-0670-20. Modification of Condition 1 to allow amendments to previously approved plans - Approved 2 November 2022.

H05-0147-23 - Cond Comp - Details of children's play area - (Condition 11 of H05-0770-22) - Approved 5 April 2023.

H05-0497-23 - Cond Comp - Details of proposed boundary treatment/screening, finished surface levels, estate road phasing & completion plan, surface water drainage scheme, foul water drainage strategy, construction management, publicly accessible open space, children's play areas, open space/outdoor play area management plan, landscape management and maintenance, storage and disposal of refuse and recycling, contamination of land or pollution of controlled waters and ecological survey. (Conditions 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17 and 18 of H05-0468-18) - Under consideration.

H05-0526-23 - S73A - Residential Development - 55 dwellings including demolition of existing house - approved under H05-0770-22. Modification of Condition 4 relating to boundary treatment in north-west corner of the site - Approved 29 August 2023

H05-0327-24 - Cond Comp - Details of full closure report (Condition 17 part iv of H05-0468-18) - Refused 25 June 2024.

H05-0326-24 - S73A - Residential Development of 25 Dwellings (Phase 2) - outline approval H05-0468-18 - with access via Phase 1 - approved under H05-0303-22. Modification of Condition 1 to allow amendments to previously approved plans. - Approved 20 January 2025

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

SHDC Environmental Protection Officer

I have reviewed the 3 ground gas protection measures verification reports by GEO Shield Reference: GEO 104603 R02. I would generally agree with the findings if these reports. I therefore recommend that condition 15 be fully discharged.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Planning Considerations

This proposal seeks to discharge Condition 15 of planning approval H05-0326-24, relating to details of contamination verification report.

Condition Details

The conditions detail:

Condition 15

A full copy of a contamination verification report shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. 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 objectives and criteria 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.

Reason: To ensure the satisfactory remediation of contaminated land and/or waters.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

SHDC Environmental Protection have been consulted and have indicated that they would generally agree with the findings if these reports. They therefore recommend that condition 15 can be discharged.

Conclusion

The details in relation to Condition 15 are acceptable and can 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.