DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H06-0884-24**	**Applicant:**	**Mr M Godfrey**
Proposal:	Details of Remediation Options Appraisal & Verification Report (Condition 3 of H06-1149-21)		
Location:	Old Station House Station Road Gedney		
Terminal Date:	16th December 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework December 2024

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application seeking permission to discharge condition 3 of H06-1149-21.

Site Description

The site is located outside any defined settlement boundary and is therefore considered to be in the countryside as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP). The site is currently occupied by a 19th Century period property (former station house), plus detached garage. Industrial premises are located to the rear, including a dark green fabricated steel storage building and a prefabricated office, plus storage compounds/areas. Access to the latter is via an existing surfaced roadway running along the northern boundary adjacent Station House, which also serves concrete works located further to the rear (east).

History

H06-0077-17 - Proposed storage compound and storage building and offices associated with construction specialists - Approved

H06-0643-17 - Proposed storage compound and storage buildings and office in old station house associated with construction specialists (thus the existing B1 classification remains) (re-submission of H06-0077-17) - Approved

H06-0213-19 - Details of external materials, window frames and doors and palisade fencing (Conditions 4 (external materials), 6 (details of window frames), 7 (details of external doors) and 13 (details of palisade fencing) of H06-0643-17) - Approved

H06-1106-19 - Details of surface water drainage (Condition 16 of H06-0643-17) - Approved

H06-1210-21 - Storage compound, storage building & offices associated with existing use - retrospective - Approved

H06-1149-21 - Change of use of Station House from offices to domestic dwelling and timber clad garage - retrospective - Approved

H06-0742-24 - Erection of shed & garden building - Retrospective - Approved

Consultation Responses

South Holland District Council Environmental Protection

I have reviewed the Oakshire Environmental intrusive Site Investigation dated 11th May 2022, Oakshire Environmental Remediation Options Appraisal dated 8th June 2022 and Oakshire Environmental Verification Report dated 10 October 2024. I am satisfied that removal of 450mm of contaminated topsoil and replacement with 600mm of a clean cover layer has broken the pollutant linkage and remediated the site. This is confirmed within the Oakshire Environmental Verification Report where photos have evidenced this and further chemical analysis of the soils in samples V01, V02 and V03 had taken place following remediation and PAH's came back as low levels. I therefore can recommend that this condition is fully discharged.

Planning Considerations

Contamination Verification Report

Condition 3 of H06-1149-21 states that:

Within 12 months of the date of this permission the remediation set out in the approved document entitled Remediation Options Appraisal by Oakshire Environmental shall be completed, and two full copies of a verification report shall be submitted to and approved in writing by the Local Planning Authority. 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 Condition 30 of the South East Lincolnshire Local Plan, 2019.

This condition discharge application solely relates to a contamination verification report requested by Environmental Protection and therefore they were consulted on the application to ensure it was acceptable to be discharged.

Their comments read as follows 'I have reviewed the Oakshire Environmental intrusive Site Investigation dated 11th May 2022, Oakshire Environmental Remediation Options Appraisal dated 8th June 2022 and Oakshire Environmental Verification Report dated 10 October 2024. I am satisfied that removal of 450mm of contaminated topsoil and replacement with 600mm of a clean cover layer has broken the pollutant linkage and remediated the site. This is confirmed within the Oakshire Environmental Verification Report where photos have evidenced this and further chemical analysis of the soils in samples V01, V02 and V03 had taken place following remediation and PAH's came back as low levels. I therefore can recommend that this condition is fully discharged.'

Conclusion

Condition 3 of H06-1149-21 can therefore 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.