

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-1072-25 **Applicant:** Ashwood Homes
Proposal: Details of verification report (Condition 4 of H09-0613-21)
Location: Richmond Close Holbeach Spalding
Terminal Date: 29th December 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Representations:

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

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks to discharge condition 4 of H09-0613-21 relating to details of a verification report.

Site Description

The site is within the settlement boundaries of Holbeach, as outlined within the South East Lincolnshire Local Plan, 2019. The site is located in the north-western extremity of the settlement. The development has commenced.

Relevant History

H09-0613-21 - Full - Residential development of 81 dwellings, associated garaging, roads and sewers - Approved 01/0322

H09-0442-22 - Condition Discharge - Details of written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters, construction management plan & method statement, estate road phasing & completion plan, surface water drainage scheme, existing & proposed site levels, survey work to ascertain whether water voles are present in drain to eastern boundary, landscaping, boundary treatments and management & maintenance schedule for areas of landscaping, incidental open space, refuse/recycling collection points & parking

courts/private drives (Conditions 3, 5, 7, 8, 9, 11, 12, 13 & 14 of H09-0613-21) - approved 26/09/22

H09-0985-22 - Details of Verification Report for plots 1-3, 67-70 and 74-80 (part condition 4 of H09-0613-21) - approved 12/02/24

H09-0626-24 - Details of Verification Report for Plot 81 (Condition 4 of H09-0613-21) - approved 24/09/24

H09-0800-24 - Modification of 106 Agreement to amend tenure of Plots 37, 38 and 47-53 - planning approval H09-0613-21 - approved 08/01/25

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:

Environmental Protection

"I have reviewed the following documents and recommend discharge of condition 4 of H09-0613-21 in full. 30th October 2025 Capping Validation: Zone 1 - Plots 13 to 16 & the POS near Plots 13 & 14 6th August 2025 Capping Validation: Zone 1 - Plots 18 to 20 & Public Open Spaces near Plots 17 & 18 10th September 2025 Capping Validation: Zone 1 Plots 9 to 11 & 21 to 23 12th January 2024 Capping Validation: Zone 4 - Plots 78 to 80 17th October 2024 Capping Validation: Zone 1 - Plot 7 18th July 2024 Capping Validation: Zone 4 - Plot 81 19th August 2025 Capping Validation: Zone 1 - Plot 12 21st July 2025 Capping Validation: Zone 1 - Plots 17, 35, 36 & POS near Plot 36 24th July 2024 Capping Validation: Zone 1 - Plot 24 28th May 2025 Capping Validation: Zone 1 - Plot 8 3rd November 2023 Capping Validation: Zone 4 - Plots 74 to 77".

Public Representations

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.

Key Planning Considerations

Condition 4

Wording

"A full copy of a verification report (in connection with Condition 3 above) 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."

Assessment

The details provided are considered to be acceptable. The relevant consultee from the Environmental Protection department has indicated that they are satisfied with the information provided.

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.

Conclusion

The submitted details achieve the aims of the conditions and are considered acceptable. Condition 4 can be discharged.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.