DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H13-0028-25**	**Applicant:**	**Allison Homes**
Proposal:	Details of verification report (Condition 8 of H13-0483-24)		
Location:	Land North Of Roman Road Moulton Chapel Spalding		
Terminal Date:	7th March 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

30 Pollution

National Guidance

National Planning Policy Framework December 2024

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	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions application providing details of verification report secured by Condition 8 of H13-0483-24.

Site Description

The site achieved planning permission for the erection of 86 number dwellings with associated works, originally approved under H13-1215-18 and subsequently amended under H13-0483-24.

History

H13-0483-24 - Erection of 86 dwellings and associated works - approved under H13-1215-18. Modification of Condition 2 to allow amendments to previously approved plans. Approved 11-09-24

Consultation Responses

Environmental Protection

We are not in a position to discharge condition 8 until we have seen the verification report for the cover system of the site.

Planning Considerations

Condition 8 - Verification Report

The condition requires:

A full copy of a 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.

The applicant has provided:

- Ground Investigation Report
- Supplementary Ground Investigation Report

Environmental Protection have been consulted and have stated that they are not in a position to discharge condition 8 until they have seen the verification report for the cover system of the site. On this basis then, without a verification report for the cover system of the site the condition cannot be discharged.

Conclusion

Condition 8 of H13-0483-24 remains extant and this application to discharge is refused.

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.