

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H13-0992-24 **Applicant:** Postland Developments
Proposal: Details of full closure reports (Condition13 (iii) of H13-0844-17)
Location: Centurion Park South Of Roman Road Moulton Chapel
Terminal Date: 20th January 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework December 2023

Section 2 - Achieving sustainable development

Section 4 - Decision-making

Section 15 - Conserving and enhancing the natural environment

National Guidance

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge condition 13 (iii) of permission H13-0844-17.

Permission H13-0844-17 granted outline consent for 58 dwellings. Condition 13 (iii) requires the submission of full closure report to provide verification that the required works regarding contamination have been carried out in accordance with the previously approved Method Statement.

Site Description

The site is approximately 2.9 hectares in size and comprises of agricultural land to the rear of properties/businesses on Roman Road and Cekhira Avenue. The part of the site adjoining Roman

Road formerly accommodated a commercial vehicle repair business, which has now been demolished. The former village playing field is to the east, there are fields to the south and a Grade II Listed Mill is to the north-west.

Relevant Planning History

H13-1280-16: (Outline Application) Demolition of garage buildings and residential development of up to 78 dwellings including vehicular access - withdrawn 04 September 2017

H13-0844-17: (Outline Application) Proposed development of up to 58 houses with vehicular access (garages to be removed) (resubmission of H13-1280-16) - approved 08 October 2018

H13-1096-19: (Reserved Matters) Reserved matters application for residential development - comprising 58 dwellings and associated works - outline approval H13-0844-17 (approved February 2020) - approved 13 February 2020

H13-1148-20: (Reserved Matters) Details of reserved matters for schedule of materials and landscaping and tree planting - outline approval H13-0844-17 - approved 15 March 2021

H13-0858-20: Details relating to contamination (Condition 13 of H13-0844-17) - parts i and ii discharged 22 April 2021

H13-0897-22: (Section 73 Application) Residential Development - Comprising 58 dwellings and associated works - approved under H13-1096-19. Modification of Condition 1 to allow amendments to previously approved plans - approved 07 November 2022

Consultation Responses

Environmental Protection: The information is acceptable for plots 1-27, 53-55 and 58. Further information will need to be submitted to fully discharge the condition for the remaining plots (28-52, 56-57).

Key Planning Considerations

Condition 13

Condition 13 reads as follows:

"13) 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:

- i) if identified as being required following the completion of the desk-top study, 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.
- ii) 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.
- iii) 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 council's environmental protection team have reviewed the submitted information and have confirmed that the information is satisfactory for condition 3 (iii) to be discharged for plots 1-27, 53-55 and 58. Further information will need to be submitted to fully discharge the condition for the remaining plots (28-52, 56-57).

Conclusion

The details address the requirements of condition 13(iii) of Permission H13-0844-17.

Recommendation

Part discharge condition 13(iii).

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.