DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0752-24**	**Applicant:**	**Mr A Rowe**
Proposal:	Details relating to contamination (Condition 3 of H14-0633-21)		
Location:	Land Off Spalding Road Pinchbeck Spalding		
Terminal Date:	2nd December 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

Representations:

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

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks to discharge condition 3 of H14-0633-21 relating to details of a contaminated land scheme. Condition 3 reads as follows:

"i) Prior to the commencement of the development hereby permitted, an exploratory site investigation shall be carried out to fully and effectively characterise the nature and extent of 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 end use. A full copy 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 strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details.

No deviation shall be made from this scheme without the express written agreement of the LPA. 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 suspected contamination has been submitted to and agreed in writing by the LPA.

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 30 of the South East Lincolnshire Local Plan, 2019."

The initial application sought to discharge condition 4 as well, relating to a verification report; however, following an email dated 22/10/24, this aspect of the application has been removed.

Site Description

The site is the former premises of Glen Farrow and all buildings have now been demolished, with the site now being prepared for development. There are two access points in between dwellings fronting Spalding Road. Along this road there are a mix of semi-detached and detached properties. Tall conifer trees that used to border most of the eastern boundary have now been felled. New dwellings have been built to the east and north of the site.

Relevant History

H14-0922-24 - Condition Compliance - Details of site levels & floor levels, boundary treatments & scheme of landscaping (Conditions 5, 6 & 7 of H14-0633-21). Ongoing.

H14-0633-21 - Full - Residential Development - 5 Dwellings. Approved 14/12/21.

H14-0041-19 - s73 - Demolition of vacant industrial buildings and erection of up to 5 detached houses - approved under H14-1187-17 - Modification of Conditions 2 and 5 to allow amendments to previously approved plans. Approved 07/03/19

H14-0931-18 - Demolition of structures on site. Approved 18/10/18.

H14-1187-17 - Outline - Demolition of vacant industrial buildings and the erection of up to 5 detached houses. Approved 05/02/18.

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:

"I have reviewed the evolve geo- environmental remediation and verification strategy report submitted for this development. I would find the remedial strategy for this development acceptable and therefore condition 3 can be discharged. However I still require to see the verification report for this development when completed."

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 3

The submitted details satisfy the requirements of condition 3. The proposed scheme is appropriate, given the level of contamination found on the site. This view has been reaffirmed by the response received from the Environmental Protection Officer.

Accordingly, condition 3 may be discharged, with condition 4 relating to the verification of this scheme remaining outstanding.

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

Condition 3 of H14-0633-21 may be discharged. Condition 4 remains outstanding and must be discharged prior to the occupation of any dwelling on the site.

Recommendation

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