DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0766-23**	**Applicant:**	**R Bratley (Quadring) Ltd.**
Proposal:	Details of scheme to deal with contamination (Part Condition 4 (i) of H14-0259-23)		
Location:	Land South Of Green Lane/ East Of Bacons Lane Pinchbeck		
Terminal Date:	10th December 2023		

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
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 2023

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

The proposal relates to the details of scheme to deal with contamination (Part Condition 4 (i) of H14-0259-23).

This is a partial approval under condition 4 and only seeks agreement to the assessment.

Submitted with the proposal is a Supplementary Phase 2 Geo-Environmental Site Investigation Report dated August 2023.

The subsequent Remediation Strategy cannot be completed until agreement to the initial assessment is undertaken.

Site Description

The application site is some 4.07 hectares of agricultural land and is accessed from Surfleet Road. It is located outside of, but adjacent to, the defined settlement limit of Pinchbeck. The southern boundary is marked by a drainage ditch. Beyond this lie houses facing Milestone Lane, and domestic gardens.

Open countryside lies to the north, and west. The B1356 Surfleet Road marks the eastern boundary, beyond which lies open countryside. The western boundary is Bacons Lane and the associated drainage ditch.

The site is within Flood Zone 3, site investigations identified significant contamination on the site.

History

H14-0549-17 - Outline. 40 dwellings with access from Surfleet Road. Approved 6-3-19.

H14-0137-19 - Full Proposed development of 63 houses with vehicular access from Surfleet Road - Granted 20 July 2020 subject to a Section 106 agreement.

H14-0259-23 - Proposed Development of 63 houses with vehicular access from Surfleet Road - approved under
H14-0137-19. Modification of Conditions 3, 4, 6 & 8 relating to phasing scheme, remediation of contaminated land, construction management plan and foul water. Approved 28 June 2023.

H14-0691-23 - Confirmation that planning permission (H14-0259-23) has been implemented with access construction. Approved 13 September 2023.

Consultation Responses

Environmental Protection

I have reviewed the GrangeGeo 'R18012/R04 Supplementary Phase 2 Geo-environmental Site Investigation Report - August 2023' and am in general agreement with the findings. I recommend discharge of condition 4i of H14-0259-23, with part ii remaining outstanding.

I make the following comments with regards to the remediation methods proposed and request that my comments are passed to the applicant: - I agree with the characterisation of the ground gas regime as CS2. Please include the full design details and membrane specification, along with a validation proposal. If plots are to be released in phases, please make that clear in the validation proposal. Please ensure that there is a clear drawing showing the plot number and the new address (eg plot 1 will be no. 5 the street). - I am in agreement with the proposal for the removal of identified hotspots. - I do not consider that the proposal for 450mm of clear cover over a brightly covered membrane is sufficient to support normal garden plant growth. I would seek to see this increased to a minimum of 600mm.

Planning Considerations

The proposal relates to details of contamination in the form of a Supplementary Phase 2 Geo-Environmental Site Investigation Report.

Condition 4 of H14-0259-23

The relevant section of condition 4 of H14-0259-23 is 4(i) as follows:

"The development hereby permitted shall not be commenced beyond Phase 1 as defined on the

Construction Phasing Plan reference #581.CCP.03 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 and until the measures approved in that scheme have been implemented. The scheme, that may provide for the phased implementation of development, shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement in writing:

i)A site specific ground gas risk assessment, including any further ground gas monitoring deemed necessary, shall be submitted to and approved in writing by the Local Planning Authority."

Submitted Details

Submitted with the proposal is a Supplementary Phase 2 Geo-Environmental Site Investigation Report - August 2023.

Environmental Protection is satisfied with the details associated with condition 4(i). It is therefore considered that this aspect of the condition can be discharged.

An amendment has been received to make it clear that only condition 4 (i) is being discharged at this stage, and not subsequent aspects of condition 4.

Additional Comments

Environmental Protection have made additional comments to shape the detail of the next stage of the condition compliance process, namely that the proposal for 450mm of clear cover over a brightly coloured membrane is sufficient to support normal plant growth. Instead the Environmental Health Officer requires 600mm. It is considered this can be added as an informative to be taken into account in future discharge of condition applications when the later stages of the contamination details are considered.

Conclusion

The proposals are considered acceptable and this part of the condition can 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.