

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0309-25 **Applicant:** Seagate Homes
Proposal: Details of verification report (Condition 5 of H16-0134-23)
Location: Millfield House Spalding Common Spalding
Terminal Date: 22nd May 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
30 Pollution

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 15 - Conserving and enhancing the natural environment

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions application seeking the discharge of condition 5 of H16-0134-23.

Site Description

The site, which has an area of approximately 0.2ha, comprises part of the side and rear garden areas to a large, detached frontage property. It would appear that the dwelling, which dates from the 1970's was once associated with an adjoining nursery site, although the sites have been in separate ownerships for several decades
The site is adjoined to the south and east by new residential development taking place on the nursery site. The site is located within Flood Zone 2. Planning permission has been achieved on this site for the erection of 9 dwellings.

History

H16-0134-23 - Residential Development (9 Dwellings). 19-10-23

H16-0668-16 - Outline Planning Permission - Residential development - Approved

H16-0984-19 - Reserved Matters - Residential development comprising 40 dwellings (outline approved H16-0668-16) - Approved February 2020

H16-1070-20 - Reserved Matters - Erection of 95 Dwellings (outline approval H16-0668-16) - Approved September 2021

H16-0021-21 - Section 73 - Residential Development comprising 40 dwellings (approved under H16-0984-19).

Modification of Condition 1 to allow amendments to previously approved plans - Approved July 2021

H16-0107-21 Section 73 - Residential Development (approved under H16-0668-16). Modification of Conditions 2 & 18 relating to Flood Risk (new Flood Risk Assessment submitted) - Approved October 2021

H16-0551-22 - Section 73 - Residential Development (approved under H16-0107-21). Modification of Condition 1 to allow amendments to previously approved plans. (Variation in house-type design/elevational treatment, based on the same overall footprints(areas)/general site layout, with exception of the previously approved plots 8-11, 23 and 75/76) - Approved August 2022

Consultation Responses

Environmental Protection

I have reviewed GeoDyne Limited, Ground Gas Verification Plan, Project No: D44007, Dated 3rd May 2024 for proposed ground gas measures. I am in general agreement with these measures. I have reviewed MEC Environmental Ltd, Gas Membrane Installation Validation Report, V1 Dated 07/10/24 for Millfield Phase 2. I am in agreement with its findings and gas protection measures have been installed in accordance with the ground gas verification plan (Project no: D44007). I therefore can recommend that condition 5 is fully discharged.

Planning Considerations

Condition 5 - Contamination

The condition requires:

If contamination of land and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition 4 above and remediation is required, 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:

- Environmental Assessment (GEO-Dyne)
- Ground Gas Verification Plan (GEO-Dyne)
- V1 07/10/24 - Gas Membrane Installation Validation Report

The Environmental Protection Officer has reviewed above documentation and is in agreement with their findings. On this basis the officer has recommended discharged of the condition. Condition 5 is therefore discharged.

Conclusion

Condition 5 of H16-0134-23 is hereby 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.