DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0688-23**	**Applicant:**	**Karavan Holdings Ltd**
Proposal:	Details of construction management & scheme to deal with contamination of land or pollution (Conditions 3 & 5 of H16-1062-21)		
Location:	Former Royal Mail Delivery Office The Crescent Spalding		
Terminal Date:	17th November 2023		

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 2023

Sections 2 and 15 of the National Planning Policy Framework (2023) (NPPF).

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This condition compliance application seeks to discharge conditions 3 and 5 of application H16-

1062-21.

Condition 3 of H16-1062-21 reads:

"A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing hours of construction, how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along The Crescent and Spring Gardens and residential amenity.

Reason: In the interests of the amenity of local residents. 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 Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019."

Condition 5 of H16-1062-21 reads:

"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).

The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:
i) A preliminary risk assessment (desk study) shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). A full copy of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.
ii) If identified as being required following the completion of the desk-top study, an exploratory 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 end use. A full copy of the site investigation and findings shall be forwarded to the LPA without delay upon completion.
iii) 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.

Site Description

As in host application.

History

As in host application.

Consultation Responses

SHDC Environmental Protection

I have reviewed the SubSurface report no. M3654 'Desk study with Walkover Survey at FMR Royal Mail sorting Office, The Crescent, Spalding PE11 1SL' dated October 2022 and report no. M3654A 'Ground Investigation' and am in general agreement with the findings.

I note that asbestos was encountered in the soil in three locations, and advise that professional advice be sought on this matter if groundworks are proposed, however as there is no soft landscaping in the final development there is not pathway for future resident exposure.

On that basis, I therefore recommend discharge of Conditions 3 & 5 of H16-1062-21 in full

Lincolnshire County Council Lead Local Highways and Flood Authority

No objections.

Lincolnshire County Council Historic Environment Officer

No archaeological input required.

Planning Considerations

Condition 3

The SHDC environmental protection team were consulted on the details of the proposed construction management plan and raised no objections to its content, neither did the LCC highways Authority or the Historic Places team. Therefore, in the absence of objections from the relevant consultees, it is determined that this condition may be discharged.

Condition 5

The SHDC environmental protection team were consulted on the details of the contaminated land investigations. Following this consultation exercise, no objections were raised. However, the Environmental Protection Team did note the possibility of asbestos contamination, and requested that the applicant be required to undertake professional investigation should this be discovered. As this possibility was neither identified nor accounted for under the host application and its conditions, it is neither reasonable nor possible to add a further conditional stipulation upon the applicant. However, by means of an informative to any approval, the applicant will be advised to commit to such undertakings should asbestos contamination be uncovered.

In light of the above, condition 5 may be discharged.

Conclusion

For the reasons listed above, this application is deemed to be in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan (2019). Therefore, this application is recommended for approval.

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.