

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H18-0713-25      **Applicant:** Lavish Estates

**Proposal:** Details of scheme to deal with contamination or pollution of controlled waters (Part Condition 9 of H18-1174-22)

**Location:** Land Rear Of Post Office 158 Bridge Road Sutton Bridge

**Terminal Date:** 23rd September 2025

### 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                             |
| 10         | Meeting Assessed Housing Requirements              |
| 11         | Distribution of New Housing                        |
| 28         | The Natural Environment                            |
| 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 December 2024

Section 2 - Achieving sustainable development.  
Section 3 - Plan making.  
Section 4 - Decision making.  
Section 5 - Delivering a sufficient supply of homes.  
Section 11 - Making effective use of land.  
Section 12 - Achieving well designed places.  
Section 14 - Meeting the challenge of climate change, flooding and coastal change.  
Section 15 - Conserving and enhancing the natural environment.

### Representations:

|  | Object | Support | No Obj. | Comments |
|--|--------|---------|---------|----------|
|--|--------|---------|---------|----------|

## **CASE OFFICER ASSESSMENT**

### **Proposal**

This is a condition compliance application seeking permission to discharge Condition 9 of H18-1174-22.

### **Site Description**

The site (some 0.03 ha) is currently vacant land on the western side of Gas House Lane. A bungalow is situated to the north and houses to the south (former post office) and south-west (no. 160 Bridge Road). Garden associated with the latter is located to the west.

### **History**

H18-0907-16 - Erection of two dwelling houses, Land rear: Post Office, 158 Bridge Rd - Approved

H18- 0631-17 - Details submitted relating to Material Schedule, landscaping and Geo-environmental Desk Study (Conditions 3, 4 and 8 of H18-0907-16) - Withdrawn

H18-1070-19 - Residential development - pair of semi-detached dwellings - Approved

H18-1174-22 - Erection of pair of semi-detached dwellings - previously approved under H18-1070-19 - Approved

### **Consultation Responses**

#### **Environmental Protection**

Consulted and chased, no comments received.

### **Planning Considerations**

#### **Contaminated Land Scheme**

Condition 9 of H18-1174-22 states that:

*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.*

The LPA are aware that the application site is subject to matters of interest in respect of contamination, due to its history involved in oil petroleum, gas refining and storage as well as gas manufacturing and distribution. It is therefore considered that as Environmental Protection have failed to provide comment on the application within the allotted timeframe it would be inappropriate for the LPA to determine the application with such historic issues in regard to contamination, in a positive light. The LPA have no choice but to refuse the application on these grounds.

As such Condition 9 cannot 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.

## **Conclusion**

Condition 9 of H18-1174-22 therefore cannot be discharged.