

Residential Development – Land adjacent Havencombe, Chapelgate Sutton St James by Scenic Homes
Planning Reference H20-0947-21

Application for Variation of Condition No.6 following grant of Planning Permission

Existing Condition No.6

Prior to the first occupation of the development, two full copies of a verification report shall be submitted to and approved in writing by the LPA. 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.

Note: The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

Reason: To ensure the satisfactory remediation of contaminated land and/or waters.

This Condition is imposed in accordance with Condition 30 of the South East Lincolnshire Local Plan, 2019.

Issue with Existing Condition Wording

The wording of Condition 6 currently means that the entire development site must be remediated including any testing / sampling of domestic garden areas along with a Verification Report before **any** dwelling can be occupied.

This is clearly impracticable on a site such as this where the developer logically wants to progress through the development to a programme that allows a build and sales rate to provide cashflow.

This is a significant residential development of 30 dwellings at a relatively low density on a site that has been subject to detailed investigation regarding potential Contamination. The site has two distinctive elements – namely a paddock which occupies approx. half of the site with a former farmyard occupying the balance of the site.

The first ‘phase’ of the site, including the site access, falls within the paddock land and this area of the site has been acknowledged through previous reports as classed as non-contaminated.

These dwellings comprise Plots 1-12 inclusive, and construction is well advanced, with several of the properties Sold Subject to Contract.

The wording of the Condition needs to acknowledge that the first part of the development should not be subject to Remediation and Verification Reports as this part of the site has been proven to be non-contaminated.

Accompanying this statement is an Extract from Phase I & II Geo-Investigation Report dated June 2011 which confirmed that no contamination issues were identified across the eastern part of the site (Plots 1 & 12).

There is also an extract from previous SHDC Correspondence relating to the application site in which the Council’s Environmental Protection Officer agreed that no further action was required in the eastern ‘paddock site’

EXTRACT FROM PH 1 & 2 GEO-INVESTIGATION REPORT

GML21135 – Site off Chapelgate, Sutton St. James

GEO MATTERS
IN AN APPROPRIATE

concentrations and / or flow rates. Final ground gas classifications (and associated recommendations) shall be confirmed within an addendum report.

The site is in a lower probability radon area (less than 1% of homes are estimated to be at or above the Action Level). Therefore, Radon protective measures are not required, subject to regulatory approval.

12.8 Excavations: All excavations should be assumed to be unstable as a precautionary measure. No man entry into unsupported excavations should therefore be allowed without an appropriate risk assessment by the Client and / or their appointed site contractors. Reference to CIRIA report 97 (1983) should be made to establish a suitable means of support or battering of excavation sides.

12.9 Contamination: No contamination issues have been identified across the eastern part of the site, and this should therefore be treated as uncontaminated in the context of the proposed residential end-uses, subject to regulatory authority approval. However, inspection and removal of the horse burial area should be undertaken as part of development works (in general accordance with the similar works required across the former piggery area).

However, made ground soils across the former piggery area be treated as contaminated in the context of the proposed residential redevelopment. This is due to the generally widespread presence of pathogenic bacteria and the localised presence of asbestos and PAHs. Remedial works across this area are required to address and break the pollutant linkages in this area of the site.

12.10 Remediation: Remediation works to protect human health and controlled waters from soil contamination are considered necessary across the former piggery area. Based on the discussions undertaken with the Local Authority, it is considered that a combination of capping and source removal (i.e. complete removal of materials from site) will be required to address the risks to human health identified herein.

Please refer to sub-sections 11.3 and 11.4 for detailed recommendations relating to remedial works.

12.11 Further Works: At this stage the following further works will be necessary, subject to comments from the Regulatory Authorities:

- Production of Remedial Method Statement (RMS); and

**TOWN AND COUNTRY PLANNING ACT 1990
APPROVAL REQUIRED BY CONDITION OF PERMISSION**

Reference: H20-0977-19 **Date of Decision:** 26th February 2020
Applicant: Kirk Home Developments Ltd.
 C/O South Lincs Plant Hire
 Enterprise Way
 Spalding
 Lincs
Location: Adj. Havencombe Chapelgate Sutton St James Spalding
Description: Details of external materials, contamination, landscaping, boundary treatment and construction management plan (Conditions 3, 4, 5, 6 and 9 of H20-0043-18)

South Holland District Council hereby give notice that **CONSENT HAS BEEN GRANTED** for the details submitted for the purpose of conditions attached to the planning permission.

Notes:

The determined plans are:
 Application form
 SD16-049/3G
 Phase 1 Desk Study Report R17053 Issue 1 5th July 2017
 Phase 2 Intrusive Ground Works Factual Report R17053 July 2017 Final Report
 Ground Investigation Report 20 November 2017
 Phase 1 & 2 Intrusive Ground Investigation Final Report Reference R17053 April 2018
 General Considerations document received 21 Feb 2020

Please note that in accordance with the approved details, during the period of site preparation and construction no machinery shall be operated, no processes shall be

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**PREVIOUS
SCHEME ON
APPLICATION SITE
- see Page 2 comment.**

carried out and no deliveries shall be taken at or dispatched from the site outside the hours of 07.30 to 17.00 Mondays to Fridays, 08.00 to 12.00 (midday) on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Parts iii and iv of Condition 4 are not discharged by this consent.

Report ref R17053 dated April 2018 clearly identifies that remedial action is required at this location in order to ensure a safe development, and therefore a remediation method statement must be submitted in order to discharge part iii.

The Council's Environmental Protection Officer raises reservations regarding the proposed remediation, and there are a number of options available to the developer at this stage. The consultant has divided the site into two sections. To the east, the 'paddock site' and to the west the 'pig farm site'. The Council's Environmental Protection Officer agrees with the conclusion that no further action is required in the easterly 'paddock site'. The consultant has proposed a simple cover system for the whole of the 'pig farm site', in areas of soft landscaping. They have proposed a 600mm soil cap and possibly a marker membrane to prevent soil mixing. Whilst the Council's Environmental Protection Officer feels this may be appropriate in the central and northern part of the 'pig farm site', the Council's Environmental Protection Officer does not consider that this is a sufficiently robust solution in the animal burial area to the south in order to protect both future users and the water environment. The report states that 'levels of bacterial spores in the soils are at a level where they are likely to require removal to ensure safe occupation of the site for use as residential properties in the future' and 'it is considered that the site may be having a detrimental impact on the nearby surface water network'. On this basis, The Council's Environmental Protection Officer considers it likely that some soil removal, particularly in the southern part of the western half of the site will be required, in order to ensure a safe development.

Phil Norman
 Planning and Building Control Manager
 South Holland District Council

BUILDING REGULATIONS:

This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 784557 or bcadmin@sholland.gov.uk

Conclusion

We therefore seek a Variation of the Condition 6 of H20-0947-21 to facilitate the occupation of dwellings that are located specifically within the eastern part of the site where it has been acknowledged that no action is required with regards to contamination.

This will enable the sale of these properties to proceed without unnecessary delay that the current Condition 6 wording causes.

Alan J Finch
 28-03-23