DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H20-0352-26**	**Applicant:**	**Mr Roffe**
Proposal:	Details of contamination of land or pollution of controlled waters and methodology (Conditions 4 and 6 of H20-0147-26)		
Location:	Ivy House Farm Sutton Road Sutton St James		
Terminal Date:	22nd June 2026		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
28	The Natural Environment
30	Pollution

National Guidance

National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 11 - Making effective use of land
Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge conditions 4 and 6 of planning permission H20-0147-26. Permission H20-0147-26 granted consent for the demolition of the agricultural building within the site and erection of a dwelling.

Condition 4 requires a contamination assessment to be submitted and approved by the Local Planning Authority (LPA). Condition 6 requires details of a methodology for measures that will be adhered to if works take place between March and August due to the potential for nesting birds within the site.

Site Description

The application site comprises land at Ivy House Farm, which is located to the north-west of Sutton Road, approximately 600m to the north-east of Sutton St James. The site form part of a farmyard and the site itself contains one agricultural building. The site is mostly surrounded by agricultural fields; however, there are equestrian facilities and a residential caravan located approximately 150m to the south of the site, on the opposite side of Sutton Road. There are some dwellings located to the north-east of the site, the nearest being Holland House and Home Farm.

The site is outside of any defined settlement boundaries, as identified by the South East Lincolnshire Local Plan 2011-2036 and accompanying policies map.

The site is within Flood Zone 3, as identified by the Environment Agency's flood risk maps.

Relevant Planning History

H20-0833-24: (Prior Approval Application) Conversion of agricultural building to dwelling - approved 25 November 2024

H20-0293-25: (Full Application) Demolition of existing barn & erection of one dwelling & garage - refused 04 August 2025

H20-1228-25: (Full Application) Demolition of existing barn & erection of one dwelling - approved 05 February 2026

Land to the South-West (Within Applicant's Ownership):

H20-0688-22: (Full Application) Proposed new dwelling for agricultural worker - refused 14 November 2023

H20-0147-26: (Section 73 Application) Demolition of existing barn & erection of one dwelling - approved under H20-1228-25. Modification of Condition 2 to allow amendments to previously approved plans - approved 13 April 2026

H20-0478-26: (Discharge of Conditions) Details of external materials of construction of buildings & hard surfaced areas (Condition 3 of H20-0147-26) - pending determination

Consultation

Ecology Officer: No response received.

Environmental Protection: No response received.

Key Planning Considerations

Condition 4 reads as follows:

"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:
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."

A consultation response has not been received from the council's environmental protection team; however, the submitted Tier 1 Contamination Risk Assessment sets out that further investigation such as a Phase 2 assessment is not required in this instance. The Tier 1 Contamination Risk Assessment concludes that "The site walkover survey and the searches carried out as part of this Desk Study indicated that there were no readily identifiable sources of contamination". As such, as no further investigation is required, condition 4 can be discharged.

Condition 6 reads as follows:

"Should any works be carried out between the months of March to August inclusive, the works shall be undertaken in accordance with a methodology which shall first be submitted to and approved in writing by the Local Planning Authority (LPA). Works to be carried out in accordance with the approved methodology shall only be undertaken following inspection by a suitably qualified ecologist and written confirmation from the ecologist first being submitted to the LPA that breeding birds would not be adversely impacted by the proposed clearance works.

Reason: To avoid disturbance to birds during the breeding season.
This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019."

The application is accompanied by a Nesting Bird Survey, prepared by KJ Ecology. According to the submitted information:

"No nesting birds were seen on site on the 9th April 2026 and no old nests were found either. Once the site has been cleared, the only time another nesting bird survey will be required is if works cease for a month and commence again in the bird nesting survey season. Any materials left will also need checking in the bird nesting season to ensure that no nesting birds have taken residence. All workers are to be given a tool box talk on nesting birds (Appendix 2)."

As such, no nesting birds were seen within the site. If the current application is approved, the works would need to be carried out in accordance with the submitted information which requires another bird survey if works cease for a month and commence afterwards. Therefore, it is considered that condition 6 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.

Conclusion

The details address the requirements of conditions 4 and 6 of permission H20-0147-26.

Recommendation

Discharge conditions 4 and 6.