

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H21-0264-26 **Applicant:** Mr M Melton
Proposal: Details of Contamination Report (Condition 4 of H21-0424-23)
Location: Site Adj. 7 Station Road Tydd Gote
Terminal Date: 15th May 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Representations:

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

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks to discharge condition 4 of H21-0424-23 relating to contaminated land.

Site Description

The proposed dwelling would be positioned on land within the curtilage of no. 7 Station Road to the north-west of a play area fronting Station Road. The site includes a lean-to storage building, which is currently in a poor state of repair and used for storage in association with the host dwelling. It is understood that a glass building previously existed on the site but subsequently collapsed, however the footings are still in place.

The site is accessed via a private roadway, which also provides access to Robin Hood Cottage (No 9), in addition to 11 Station Road near the entrance point which fronts the highway. Residential properties are situated to the south fronting Station Road and a church hall to the south-west. Residential properties are also situated to the west off Main Road (A1101).

The southernmost part of the site is within Tydd Gote Conservation Area.

History

H21-0484-15 - Full - Proposed single detached dwelling - Refused. Allowed on appeal 17 February 2016 (ref. APP/A2525/W/15/313491).

H21-0316-16 - NMA - Proposed single detached dwelling - H21-0484-15 Allowed at Appeal (Reference APP/A2525/W/15/3134914)- Amendment to move dwelling and garage south on site - Approved 14 April 2016.

H21-0318-16 - C/C - Details of materials schedule (Condition 3 of H21-0484-15 Allowed on Appeal - Reference APP/A2525/W/15/3134914) - Approved 14 April 2016.

H21-1020-16 - NMA - Proposed detached dwelling - approved under H21-0484-15 appeal decision - Amendment to include rear extension - Approved 2 November 2016.

H21-1073-21 - Outline - Erection of Single Storey Dwelling - Refused 7 December 2021. Allowed on appeal 24 June 2021.

H21-0854-22 RM - Erection of Bungalow - outline approval H21-1073-21 (allowed on appeal). Approved 25 October 2022.

H21-0424-23 - S73 - Erection of Bungalow - approved under H21-0854-22. Modification of Condition 1 to allow amendments to previously approved plans. Approved 26 June 2023.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Environmental Protection

I have reviewed G & J Geoenvironmental Consultants Ltd, Phase 2 Site Investigation for 7 Station Road, Tydd Gote, Ref: GJ392-01-R001, Dated: 18th March 2026. This report has concluded that following chemical testing of soil samples there is very low contaminant concentrations which are not considered to present a risk to human health and therefore no further investigations or mitigation are required. I am in agreement with this report and can recommend that the land contamination condition can be fully discharged.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Condition 4

Wording

The development shall not be occupied unless and until all recommendations arising from the Phase 1 Desk Study Report by Ground Engineering (Report Ref. No. C15738) dated September 2022 have been carried out.

Note: The Phase 1 Desk Study Report recommends that a Phase 2 intrusive ground investigation be undertaken to determine the ground conditions and identify whether any ground and/or groundwater contamination is present. This should therefore be carried out prior to any further work commencing on site and any recommended remedial measures should be satisfactorily carried out prior to occupation of the dwelling.

Assessment

The details provided are considered acceptable. The reports have concluded that there is no significant risk to health and the relevant consultee from Environmental Protection has agreed with these findings.

The requirements of Condition 4 have been met, and the condition may 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 submitted details achieve the aims of the conditions and are considered acceptable. Condition 4 can be discharged.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.