

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H22-0194-24 **Applicant:** Spalding Developments Ltd

Proposal: Details of contamination of land or pollution of controlled waters (Condition 14 parts iii and iv of H22-0685-20)

Location: 192 High Road Weston Spalding

Terminal Date: 30th April 2024

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
11	Distribution of New Housing
29	The Historic 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 2024

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a condition compliance application seeking permission to discharge condition 14 parts iii and iv of H22-0685-20.

Site Description

The site (some 0.24ha) is land to the rear of nos. 192 to 200 High Road, which are semi-detached houses. It is accessed by an existing private roadway.

Houses are situated to the east off St Mary's Close and garden land associated with no 202 High Road to the west. Three pairs of semi-detached houses are situated to the south, with long rear gardens (nos. 55-65 (odd) Broadgate).

History

H22-0685-20 - Residential development (maximum 3 single storey dwellings) - Approved

H22-0725-21 - Erection of 3 dwellings - outline approval H22-0685-20- Approved

H22-0747-21 - Details of construction management, drainage & means of foul water disposal and archaeological investigation (Conditions 9, 10, 11 & 15 of H22-0685-20) - Approved

H22-0075-22 - Details of scheme to deal with contamination (Parts i and ii of Condition 14 of H22-0685-20) - Approved

H22-0510-23 - Erection of 3 Dwellings - approved under H22-0725-21. Modification of Condition 1 to allow amendments to previously approved plans - Approved

Consultation Responses

South Holland District Council Environmental Protection

I have reviewed the Method Statement for remediation of land contamination, LAND CONTAMINATION RISK MANAGEMENT VALIDATION OF REMEDIAL WORK for the proposed Residential development at land to the rear of 199-200 High Road, Weston PE12 6JU L-S&Co Project Number: 69 012 Status of Report: FINAL Date of Issue: January 29th , 2024 and Chemtest Analytical Report 127046 issued /10/23 and recommend discharge of Condition 14 (Parts iii and iv) of H22-0685-20 in full.

Planning Considerations

Contaminated Land Scheme

Condition 14 of H22-0685-20 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) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures:

i) a desk-top study 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). Two full copies 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, a 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 new use. Two full copies 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 requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme. 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

suspect contamination has been submitted to and agreed in writing by the LPA.

iv) two full copies of a full closure 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 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.

The applicant's attention is also drawn to the document entitled "Developing Land Within Lincolnshire - A guide to submitting planning applications to develop land that may be contaminated", which can be obtained through the Local Environmental Health Department.

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.

This condition discharge application solely relates to part iii and iv, South Holland District Council Environmental Protection commented on this application stating the following 'I have reviewed the Method Statement for remediation of land contamination, LAND CONTAMINATION RISK MANAGEMENT VALIDATION OF REMEDIAL WORK for the proposed Residential development at land to the rear of 199-200 High Road, Weston PE12 6JU L-S&Co Project Number: 69 012 Status of Report: FINAL Date of Issue: January 29th , 2024 and Chemtest Analytical Report 127046 issued /10/23 and recommend discharge of Condition 14 (Parts iii and iv) of H22-0685-20 in full'.

Conclusion

Condition 14 parts iii and iv can therefore 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.