DECISION DELEGATED TO HEAD OF PLANNING

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| **Application No:** | **H22-0372-24** | **Applicant:** | **Scott Park Prestige Homes Ltd (In Administration)** |
| **Proposal:** | Details of verification report in relation to land contamination (Condition 11 of H22-1064-21) | | |
| **Location:** | Rear Of The Hollies 30 Austendyke Road Weston Hills | | |
| **Terminal Date:** | 18th June 2024 | | |

**Planning Policies**

**South East Lincolnshire Local Plan - Adopted: March 2019**

30 Pollution

**National Guidance**

**National Planning Policy Framework 2023**

Section 15. Conserving and enhancing the natural environment.

**Representations:**

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

CASE OFFICER ASSESSMENT

**Proposal**

The application is to discharge Condition 11 of H22-1064-21 (Details of verification report in relation to land contamination).

**Site Description**

The site (some 0.2ha) is situated on the northern side of Austendyke close to the junction with Broadgate. It was formerly a yard area with an industrial building within the southern section.

Houses are located to the east off Broadgate and also to the south off Austendyke. New houses have recently been constructed to the west.

**History**

H22-1137-18 - O/A - Residential development (2 plots) - Granted 8 January 2019.

H22-0381-19 - Cond Comp - Details Relating to Contamination (Condition 8 i) and ii) of H22-1137-18) - Approved 18 December 2020.

H22-1064-21 - Full - Residential Development - Erection of 3 Dwellings including demolition of existing building - Approved 10 March 2022

H22-0944-22 - Cond Comp -
Details of external materials, storage & disposal of refuse & recycling, contamination method statement and ecological biodiversity measures (Conditions 3, 8, 10 & 13 of H22-1064-21) - Approved 21 December 2022

H22-0006-24 - NMA Residential Development - Erection of 3 Dwellings including demolition of existing building. Approved under H22-1064-21. Amended external design to Plots 1, 2 & 3 - Approved 30 January 2024

## Consultation Responses

Environmental Protection

"I have reviewed the information submitted and recommend discharge of Condition 11 of H22-1064-21 "

## Planning Considerations

Condition 11

Condition 11 of H22-1046-21 reads as follows:

"A full copy of a verification report in relation to condition 10 shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. 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."

The relevant consultee from the Environmental Protection department has stated that sufficient information has been provided to satisfy the requirements of condition 11 of H22-1046-21 and has recommended that the condition be discharged. The submission has achieved the requirements of condition 11.

## 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**

It is recommended that Condition 11 of H22-1046-21 be discharged.