DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0099-24**	**Applicant:**	**Persimmon Homes East Midlands**
Proposal:	Details of ground gas verification report for plots 2-39, 42-45 and 48-53 (Condition 10 of H22-1249-21)		
Location:	Land North West Of High Road Weston Spalding		
Terminal Date:	2nd 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
05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision making
Section 5 - Delivering a sufficient supply of homes
Section 8 - Promoting healthy and safe communities
Section 9 - Promoting sustainable transport
Section 11 - Making effective use of land
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment
Section 16 - Conserving and enhancing the historic environment

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

The application is to discharge condition 10 of H22-1249-21 (Ground Gas Verification) for plots 2-39, plots 42-45 and plots 48-53 as detailed on the submitted SPAL/WEST/MVP/001 Membrane Validation Plan.

Site Description

The site lies to the north-west of Moulton. It lies between High Road to the south and the A151 to the north. It is within the settlement boundaries outlined in the South-East Lincolnshire Local Plan, 2019. The site is accessed via High Road.

The site is approximately 6.13 hectares in size and is currently agricultural land. There is further agricultural land to the north, beyond which lies the A151. The land to the south, past High Road, is characterised by residential developments. A small number of dwellings are sited along High Road to the east. There is a single bungalow to the west, again along High Road.

History

H22-0101-16 - Outline application - Residential development - Approved July 2018

H22-1135-20 - Full application - Residential development for the erection of 150 dwellings and associated open space and infrastructure - Refused September 2021

H22-1249-21 - Full application - Residential development for the erection of 150 dwellings and associated open space and infrastructure - re-submission of H22-1135-20 - Approved March 2022

H22-0422-22 - Condition Compliance - Details of landscaping & tree planting (Condition 11 of H22-1249-21) - Approved June 2022

H22-0325-22 - Condition Compliance - Details of Construction Management Plan & Method Statement (Condition 4 of H22-1249-21) - Approved June 2022

H22-0324-22 - Condition Compliance - Details of engineering drawings for alterations & highway improvements to High Road in the vicinity of the proposed entrance to permitted development (Condition 3 of H22-1249-21) - Approved June 2022

H22-0326-22 - Condition Compliance - Details of finished surface levels in relation to estate road & associated footways that forms the junction with the main road (Condition 7 of H22-1249-21) - Approved July 2022

H22-0755-22 - Condition Compliance - Details of fencing to the edge lanes, final copy of maintenance schedule for areas of publicly accessible open space, Local Equipped Area for Play, landscaping & drainage features and design & position of external boxes, gas flues & soil vent pipes (Conditions 12, 13 & 17 of H22-1249-21) - Approved September 2022

H22-0792-22 - Non-Material Amendment - Residential Development for the erection of 150 dwellings & associated open space & infrastructure - approved under H22-1249-21. Non material amendment to add condition for removal of Permitted Development Rights for detached garages. - Approved August 2022

H22-0330-22 - Condition Compliance - Details of scheme to deal with contamination of land or pollution of controlled waters (Condition 9 of H22-1249-21) - Approved November 2022

H22-1042-22 - Condition Compliance - Details of landscaping and tree planting (Condition 11 of H22-1249-21) - Approved November 2022

H22-0328-22 - Condition Compliance - Details of surface water drainage scheme (Condition 8 of H22-1249-21) - Approved December 2022

H22-1072-22 - Modification of 106 Agreement for the inclusion of 10 dwellings as First Homes (in addition to the existing affordable housing requirements set out in the S106) - planning approval H22-1249-21 - Withdrawn

H22-0149-23 - Condition Compliance - Details of water consumption - (Condition 19 of H22-1249-21) - Approved February 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 Officer

I have reviewed the following Geoshield verification repots:
23/07/2022 Ground Gas Verification Report - Plots 2, 3, 4, 5 & 6
03/08/2022 Ground Gas Verification Report - Plots 7, 8, 9, 10, 11, 12 & 13
02/09/2022 Ground Gas Verification Report - Plots 14, 15, 16 & 17
21/09/2022 Ground Gas Verification Report - Plots 18, 19, 20, 21, 22 & 23
04/10/2022 Ground Gas Verification Report - Plots 23 (Integral Garage) & 24
26/10/2022 Ground Gas Verification Report - Plots 25, 26, 27, 28 & 29
01/11/2022 Ground Gas Verification Report - Plots 30 & 31
12/12/2022 Ground Gas Verification Report - Plots 48, 49, 50, 51, 52 & 53
07/02/2023 Ground Gas Verification Report - Plots 32, 33, 42, 43, 44 & 45
24/04/2023 Ground Gas Verification Report - Plots 34, 35, 36, 37, 38 & 39 inclusive

The agreed remediation method statement has been followed and independent verification of the installation of the ground gas protection measures has been undertaken. I therefore have no outstanding concerns regarding plots 2-39, plots 42-46 and plots 28-52 as detailed on the submitted SPAL/WEST/MVP/001 Membrane Validation Plan dated 5/2/24.

Planning Considerations

The application is to discharge condition 10 of H22-1249-21 (Ground Gas Verification).

Condition Details

The conditions detail:

Condition 10]

Prior to the first occupation of the development, two full copies of a suitably detailed ground gas verification report shall be submitted to, and approved in writing by, the Local Planning Authority. 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.

SHDC Environmental Protection have been consulted and have indicated that the agreed remediation method statement has been followed and independent verification of the installation of the ground gas protection measures has been undertaken. They therefore have no outstanding concerns regarding plots 2-39, plots 42-45 and plots 48-53 as detailed on the submitted SPAL/WEST/MVP/001 Membrane Validation Plan dated 5/2/24 and Condition 10 can be discharged.

It should be noted that plots 1, 40, 41, 46, 47 and 54 - 150 are yet to be discharged and are not part of this submission. A separate Condition Compliance Application will be needed to discharge plots 1, 40, 41, 46, 47 and 54 - 150.

Conclusion

To conclude, for the reasons outlined above, it is considered that the details submitted in relation to Condition 10 are acceptable and as such 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.