DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0562-25**	**Applicant:**	**Persimmon Homes East Midlands**
Proposal:	Details of Gas Verification Report (Condition 10 of H22-1249-21)		
Location:	Land North West Of High Road Weston Spalding		
Terminal Date:	11th August 2025		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

30	Pollution

National Guidance

National Planning Policy Framework December 2024

Section 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change.
Section 15: Conserving and Enhancing the Natural Environment.

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

The application seeks the partial discharge of Condition 10 (Ground Gas Verification) of application H22-1249-21. This condition has already been discharged for several plots approved under application reference H22-0099-24.

Site Description

The site comprises former agricultural land located within the settlement boundary to the north-west of Moulton. High Road is located to the south with the A151 to the north. The site is accessed from High Road.

Planning permission was granted in March 2022 under application H22-1249-21 for the construction of 150 dwellings on the site with associated open space and infrastructure.

History

H22-0101-16: Residential development - Approved July 2018

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

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

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

H22-0324-22: 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 : 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: 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 and 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 and 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 : 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 Details of landscaping and tree planting (Condition 11 of H22-1249-21) : Approved November 2022

H22-0328-22 : 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 : Details of water consumption - (Condition 19 of H22-1249- 21) - Approved February 2023

H22-0099-24: Details of ground verification report for plots 2-39, 42-45 and 48-53 (Condition 10 of H22-1249-21) Approved April 2024.

Consultation Responses

Environmental Protection Officer

The Environmental Protect Officer advised there was no objection to the Verification Reports submitted, however, the Reports do not include all Plots to which the application form refers.

Planning Considerations

Condition 10 Wording

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 Contamination Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11 A.

The reason for the condition is:

To ensure the satisfactory remediation of contaminated land and/or waters.
This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

Condition 10 Detail

The Environmental Protection Officer has assessed the submitted Verification Reports and concluded these are acceptable, however, it has been raised that there are several plots which are referred to in the submitted application form but for which Verification Reports have not been provided. This has been raised with the agent who has confirmed the application should relate only to those plots referenced in the Reports.

Condition 10 will therefore be partially discharged in relation to specified plots in the submitted Verification Reports.

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 are considered acceptable.

Recommendation

Condition 10 of application H22-1249-21 is partially discharged.