DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0807-24**	**Applicant:**	**Ashwood Homes Ltd**
Proposal:	Details of precautionary ground gas protection measures & ground gas verification report (Condition 3 (i) (ii) of H22-0887-21)		
Location:	Land North Of High Road Weston Spalding		
Terminal Date:	20th November 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

30 Pollution

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework December 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 15 - Conserving and enhancing the natural environment

National Guidance

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This application seeks to discharge condition 3 of permission H22-0887-21. Permission H22-0887-21 granted consent for 68 dwellings. Condition 3 requires the submission of precautionary ground gas protection measures (part i), and a ground gas verification report (part ii).

Site Description

The site is approximately 2.9 hectares in size and is currently agricultural land. There is a smaller parcel of agricultural land to the west, with Baytree Garden Centre beyond. Further agricultural land lies to the north and east/north-east. The land to the east is a housing allocation in the Local Plan

and has recently been the subject of planning applications for 150 dwellings (H22-1135-20 and H22-1249-21). The site adjoins 5 dwellings which front High Road. There is further residential development opposite.

Relevant History

H22-0489-21: (Outline Application) Residential Development - 8 dwellings - withdrawn July 2021

H22-0754-18: (Outline Application) Residential Development for 51 Dwellings - approved March 2019

H22-0887-21: (Full Application) Erection of 68 dwellings and associated works - approved 01 March 2022

Consultation Responses

Environmental Protection: I have reviewed the ground gas protection measures and ground gas validation reports submitted for the following building plots: 1-6, 59, 60 and 65- 68 7, 47, 50, 58 and 61- 64 8, 45, 46 and 51- 55 24, 25 and 31- 38 22, 23, 26- 30, 43, 44, 48 and 49 9, 18- 21 and 39- 42 10- 17, 56 and 57 I agree with the findings of these reports and therefore would agree to discharge condition 3

Key Planning Considerations

Condition 3

Details of precautionary ground gas protection measures & ground gas verification report (Condition 3 (i) (ii) of H22-0887-21)

Condition 3 reads as follows:

"3) i) Prior to the commencement of the development hereby permitted, details of precautionary ground gas protection measures shall be submitted to and approved in writing by the Local Planning Authority.
ii) Prior to the first occupation of each dwelling, a suitably detailed ground gas verification report shall be submitted and approved in writing by the Local Planning Authority.

Reason: 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."

The council's environmental protection team have reviewed the submitted information and have confirmed that the information is satisfactory for condition 3 to be discharged.

Conclusion

The details address the requirements of condition 3 of Permission H22-0887-21.

Recommendation

Discharge Condition 3.

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.