

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H22-1216-25 **Applicant:** Persimmon Homes East Midlands

Proposal: Details of ground gas verification report (Condition 10 of H22-1249-21)

Location: Land North West Of High Road Weston Spalding

Terminal Date: 5th February 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
05 Meeting Physical Infrastructure and Service Needs
30 Pollution

National Guidance

National Planning Policy Framework December 2024

2. Achieving sustainable development
15. Conserving and enhancing the natural environment

Representations:

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

CASE OFFICER ASSESSMENT

Description of Proposal

This application seeks the partial discharge of condition 10 of planning approval H22-1249-21 which was for the *Residential development of the erection of 150 dwellings and associated open spaces and infrastructure - Resubmission H22-1135-20* on Land North West of High Road, Weston.

Condition 10 stated

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 Page 5 of 10 DC_FINAL_DECISION - ODB:14 Local Plan, 2019.

This submission covers the following plots:

Plots 40 - 41; Plots 46 - 47; Plots 89 - 92; Plots 95 - 98; Plots 99 - 102; Plots 103 - 106; Plots 125 - 130.

The following documents are submitted for consideration:

Geoshield Verification Report Numbers 11, 12, 13, 14, and 15.

It should be noted that Condition 10 has already been discharged in relation to plots 2-39; 42-45; 48-53; 80-88; 93-94; and 107-124.

Plots 1, 54-75, and 131 -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, 54-75, and 131 - 150.

Site Description

The site forms part of an ongoing residential development near High Road in Weston.

Relevant History

H22-1249-21 which was for the *Residential development of the erection of 150 dwellings and associated open spaces and infrastructure.*

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

Consultation Responses

SHDC Environmental Protection

I have reviewed Geofield Verification Report for Persimmon Homes Site, 150-158 High Road, Weston, Splading, PE12 6WA, Project Ref: Geo102862. For the following reports: Report No: 012 for Plots 125, 126, 127, 128, 129 and 130 Dated: 15/09/2023 Report No: 013 for plots 89, 90, 91, 92, 99, 100, 101 and 102 Dated: 05/10/2023 Report No: 014 for plots 103, 104, 105 and 106 Dated: 17/10/2023 Report No: 015 for plots 95, 96, 97 and 98 Dated: 29/11/2023.

I am in agreement with the findings of these reports that the gas protection measures has been installed correctly for the plots in these reports. To enable the land contamination condition to be fully discharged I require to see validation reports for the remaining plots.

Key Planning Considerations

In respect of this application the only planning consideration is whether the gas protection measures are satisfactory.

Assessment

The verification reports provide details of the competencies and professional qualifications of persons carrying out the work, membrane specifications, details of inspections, verification and remediation works required and undertaken.

They have been reviewed by the Environmental Protection team and found to be acceptable. Consequently the condition can be discharged insofar as it applies to the relevant plots.

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 details provided are considered to be acceptable, and Condition 10 can be discharged insofar as it relates to Plots 40 - 41; Plots 46 - 47; Plots 89 - 92; Plots 95 - 98; Plots 99 - 102; Plots 103 - 106; Plots 125 - 130.

A separate Condition Compliance Application will be needed to discharge Plots 1, 54-75, and 131 - 150.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.