

**DECISION DELEGATED TO HEAD OF PLANNING**

**Application No:** H05-0143-25                      **Applicant:** Belmont Contractors  
**Proposal:** Details of verification report (Condition 21 of H05-1007-23)  
**Location:** Land Off Old Main Road Fleet Hargate Spalding  
**Terminal Date:** 8th April 2025

**Planning Policies**

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

30                      Pollution

**National Guidance**

**National Planning Policy Framework December 2024**

Section 15: Conserving and enhancing the natural environment.

**Representations:**

	<b>Object</b>	<b>Support</b>	<b>No Obj.</b>	<b>Comments</b>
SHDC INTERNAL	0	0	0	1

**CASE OFFICER ASSESSMENT**

**Description of Proposal**

This application seeks to discharge condition 21 of H05-1007-23, which relates to details of a contaminated land verification report.

**Site Description**

The site (some 0.44ha) is located on the northern side of Old Main Road, Fleet Hargate. A bus stop is located along the frontage. A drain and a number of trees (including 2 preserved Oaks) are situated along the site's northern boundary.

A bungalow is situated to the west (Broadlands) and a house to the east (Haven House) along the frontage. A bungalow (Staughton Lodge) and house (Etna House) are located to the north-east and a bungalow (Amendoeiras) to the north beyond trees and shrubs along the northern boundary. Suffolk House is situated to the south-east. Residential properties are located on the opposite side of Old Main Road.

The site is located within Fleet Hargate Conservation Area.

## Relevant History

H05-0372-17 - Full - Residential development - erection of 9 dwellings - Granted 5 November 2018.

H05-1235-18 - Full - Residential development of 9 dwellings (Re-submission of H05-0372-17) - Granted 21 February 2019.

H05-0459-20 - Condition Compliance - Details of Conditions 3, 4, 6, 7, 8, 9, 11, 12, 14, 15, 18, 19, 20, 21, 22 and 23 of H05-1235-18 - Withdrawn 23 February 2022.

H05-1124-21 - S73 - Residential development of 9 dwellings - approved under H05-1235-18. Modification of Condition 10 relating to Flood Risk Assessment - Granted 18 February 2022.

H05-0725-22 - S73 - Residential development of 9 dwellings - approved under H05-1124-21. Modification of Conditions 2 (Determined Plans), 7 (Boundary Treatment), 8 (Site/Finished Floor Levels) and 10 (Foul Drainage) to allow amendments to previously approved plans - Approved 4 January 2023.

H05-0660-23 - TWC - Works to trees (felling of 3 no conifers) in Fleet Hargate Conservation Area - Approved 30 August 2023.

H05-0696-23 - Condition Compliance - Details of remediation strategy (Condition 22 of H05-0725-22) - Approved 9 January 2024.

H05-1007-23 - S73 - Residential development of 9 dwellings - approved under H05-0725-22. Modification of Condition 1 (determined plans), 2 & 3 (windows) and 7 (fencing details) to allow amendments to previously approved plans - Approved 1 February 2024

## 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

"I have reviewed the GRM Development Solutions Ltd Validation gas membrane validation report Ref: GRM/P01467/GPMVP for plots 1-4 of this development. I agree with its findings that the gas membrane has been installed correctly and subsequently recommend that Condition 21 verification report is discharged"

### Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

## Key Planning Considerations

### Condition 21

Condition 21 of H05-1007-23 states:

"A full copy of a verification report 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".

The submitted details solely relate to Plots 1-4. As such, no information has been provided as to whether the proper materials have been installed on Plots 5-9. Condition 21 did not provide scope for the discharge of individual plots, meaning it must be discharged as a whole with all of the relevant details for all plots provided at one time. As such, despite the comments of the

Environmental Protection Officer, it is not considered that adequate details have been provided to discharge the relevant condition.

## **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 to fail to meet the requirements of Condition 21 of the H05-1007-23. As such, the condition cannot be discharged at this time.

## **Recommendation**

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