

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H09-0047-25      **Applicant:** ALDI Stores Ltd

**Proposal:** Details of verification report, specification (including methodology and programme of implementation) of compensation and enhancement measures (Conditions 11 and 13 of H09-1057-22)

**Location:** Aldi Fleet Street Holbeach

**Terminal Date:** 12th March 2025

### Planning Policies

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

02                      Development Management  
03                      Design of New Development  
28                      The Natural Environment  
30                      Pollution

#### National Guidance

#### National Planning Policy Framework December 2024

Section 2 - Achieving sustainable development  
Section 4 - Decision-Making  
Section 12 - Achieving well-designed places  
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 |
|------------------------|--------|---------|---------|----------|
| SHDC INTERNAL          | 0      | 0       | 0       | 1        |
| OTHER STATUTORY BODIES | 0      | 0       | 0       | 1        |

### CASE OFFICER ASSESSMENT

#### Proposal

This is a discharge of condition application providing, details of verification report, specification (including methodology and programme of implementation) of compensation and enhancement

measures (Conditions 11 and 13 of H09-1057-22)

## Site Description

The application site benefits from planning permission to erect a food store. The site is located on land south of B1515 Fleet Street and is approximately 500m to the east of the centre of Holbeach.

## History

H09-1057-22 - Demolition of existing buildings and construction of food store (Use Class E) together with car parking, landscaping, and associated works. Approved 15-03-23

## Consultation Responses

### Environmental Protection

I have reviewed the Ground Tech consulting Ltd Remediation Validation Report GRO-21400- 5550 dated December 2024. This included a cover system validation report and gas membrane/ validation information. I would agree with the findings of these reports and the site has been suitably remediated. I therefore recommend that conditions 10 and 11 are fully discharged

### Ecologist

I have reviewed the Statement of Conformity and mitigation license submitted with the application above. I believe that these documents meet the BNG/landscaping requirements as set out in condition 13 of the decision notice for H09-1057-22. However, there are two outstanding biodiversity provision not yet implemented at the time of the conformity survey, which are: 1. the erection of 4 bird boxes (one open-fronted along the fence, and one open-fronted in the southernmost yew tree located in the north-east of the site, and 2 hole fronted boxes on the two mature oak trees in the northwest of the site). 2. Planting of Euonymus "Silver Queen" to the north of the site. I suggest that we should require the applicants to submit photographs of these to the LPA to confirm completion within 6 months.

## Planning Considerations

### Condition 11

The condition requires:

*If contamination of land and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition 10 above and remediation is required, 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 applicant has submitted the following:

-Ground Tech consulting Ltd Remediation Validation Report GRO-21400- 5550 dated December 2024

Environmental Protection have reviewed the information and consider it sufficient to discharge the said condition. Condition 11 is therefore discharged.

### Condition 13

The condition requires:

*Notwithstanding the information contained in the submitted Biodiversity Metric Assessment, Biodiversity Calculations and Soft Landscaping Plan (ref MEL-535-001 Rev P3), prior to the occupation of development hereby permitted a specification (including methodology and programme of implementation) of compensation and enhancement measures for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The specification shall include details of*

*initial aftercare and long-term maintenance as well and details of monitoring and remedial measures. The works so approved shall be carried out in accordance with the approved programme of implementation and be retained thereafter for the lifetime of the development. On completion of the agreed compensation and enhancement measure in accordance with the approved programme of implementation, required as part of this condition, the development shall be inspected by a qualified ecologist and a statement of conformity and a copy of any Natural England protected species licenses as appropriate shall be submitted to the Local Planning Authority to confirm whether all of the measures for enhancing biodiversity have been implemented in accordance with the details approved under this condition.*

The applicant has provided the following information:

- Statement of Conformity; RT-MME-181346-01.
- Natural England License (approved: H09-0815-23)
- Photographs

The level of information submitted is acceptable and condition 13 is hereby discharged. The Ecologist has drawn attention to the installation of bird boxes and remaining landscaping works including the Euonymus 'Silver Queen' planting to the north. The applicant has during the process provided photos of the installed bird boxes, but not the tree. However, there is no requirement at this stage to do so, and the condition enforces that this is to take place with the approved programme of implementation that has already been agreed and be retained thereafter for the lifetime of the development. Therefore, mitigation exists to ensure that this takes place. On this basis condition 13 is discharged.

## **Conclusion**

Conditions 11 and 13 of H09-1057-22 are hereby 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.