

Delegated Report (Discharge of Conditions)

Planning Reference: 25/00211/DISCON
Applicant(s): Mr Corbo
Ward: Burbage, St. Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Application Site: Unit 2 R S Vehicle Sales, Sapcote
Road Industrial Estate, Burbage

Proposal: Application to Discharge Condition 4 (Contaminated Land)
of Planning Permission 21/01018/FUL

Case Officer: Sullivan Archer (Senior Planning Officer)

1. Recommendations

1.1. Discharge Condition 04 of planning permission 21/01018/FUL.

2. Application Description

2.1. This application seeks to discharge Condition 04 of planning permission 21/01018/FUL at Unit 2 R S Vehicle Sales, Sapcote Road Industrial Estate, Burbage. Planning permission 21/01018/FUL was for the demolition of existing commercial units and replacement with new build residential development and associated external works.

2.2. Condition 04 of 21/01018/FUL states:

"No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied."

3. Appraisal

3.1 To support the discharge of Condition 04 of planning permission 21/01018/FUL, the Applicant submitted the following:

- GEO Certificate
- Geoshield Verification Plan
- Geoshield Verification Reports 01 and 02
- Remedial Validation Letter
- Soil Remediation Plan

- 3.2 This information has been assessed by the Council's Environmental Health Department, who have considered the submitted details to be sufficient to discharge the planning condition. This is because the submitted details ensure that risk from land contamination to future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

4. Equality Implications

- 4.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 4.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

- 4.3 There are no known equality implications arising directly from this development.

- 4.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination)..

5. Conclusion

- 5.1 In summary, it is recommended that Condition 04 of planning permission 21/01018/FUL can be discharged.