DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0109-24**	**Applicant:**	**Aldi**
Proposal:	Details of samples of materials for external surfaces (Condition 12 of H09-1057-22)		
Location:	Aldi Fleet Street Holbeach		
Terminal Date:	3rd April 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well-designed and beautiful places

Representations:

	Object	Support	No Obj.	Comments
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of condition application for the discharge of condition 12 relating to H09-1057-22. The conditions relate to the following:

-Condition 12 - External Materials

Site Description

The application site benefits from planning permission to erect a food store with associated parking. The access to the site is from B1515 Fleet Street. The site is located circa 160m from Holbeach District Centre.

History

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

Consultation Responses

Highways
Condition 12 was not requested by Lincolnshire County Council - any hardstanding materials should be approved in accordance with the Drainage Strategy.

Representations
An objection has been received against this discharge of condition application. The contents of which appear to be concerned with drainage rather than the details of external materials.

Planning Considerations

Condition 12 - Details of external materials

The condition required that the following information is presented:

No development above ground floor slab level of any part of the development hereby permitted shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

a)samples of all brick, render and tiling (including details of the colour of render/paintwork to be used)
b)samples of all hard surfacing materials
c)Sample materials of boundary treatments The development shall be carried out in accordance with the approved details.

The applicant has provided the following:

Schedule of External Materials document.

The proposed schedule of materials are considered acceptable. The materials represent the trademark designs that are associated with this specific food store and so are as anticipated.

This condition was imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan and is hereby discharged.

Conclusion

Condition 12 relating to H09-1057-22 is 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.