DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H09-0114-24**	**Applicant:**	**Aldi**
Proposal:	Details of noise from fixed plant & machinery, boundary treatments, lighting and details of how entrance to store car park will be secured (Conditions 8, 19, 20 and 24 of H09-1057-22)		
Location:	Aldi Fleet Street Holbeach		
Terminal Date:	3rd April 2024		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
30	Pollution

National Guidance

National Planning Policy Framework 2023

Section 4 -Decision-making
Section 15 - Conserving and enhancing the natural environment

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions application for the discharge of conditions 8, 19, 20 & 24 relating to H09-1057-22. The conditions relate to the following:

Condition 8 - Noise from fixed plant and machinery
Condition 19 - Boundary Treatments
Condition 20 - External Lighting

Condition 24 - Entrance to the Store Car Park

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

Environmental Protection
Ensure that the proposed acoustic fencing is correctly maintained in order to retain proposed noise attenuation throughout its lifespan to protect amenity of nearby properties.

Highways
None of these conditions were requested by Lincolnshire County Council however, conditions 19. Boundary treatments and 24 - entrance secured by bollards - the details submitted are acceptable in respect of highways safety.

Planning Considerations

Condition 8 - Noise from fixed plant and machinery

The condition requires the developer provide the following:

No building hereby permitted shall be first occupied until details of the noise from fixed plant and machinery (which shall not exceed the background noise level by more than 5dB(A) when measured as a 15-minute L(A)eq on any residential boundary not within the applicant's ownership) have been submitted to and approved in writing by the local planning authority.

The applicant has provided the following document:

Environmental Noise Impact Assessment - Fixed Plant by Acoustic Design Technology Reference ADT 3535/ENIA. Dated 06.06.23. Environmental Protection have been consulted and have raised no issues.
The condition was imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 19 - Boundary Treatments

The condition requires the developer provide the following:

No boundary treatments shall be erected until detailed scaled drawings (section) of the hard boundary treatments to be erected, as shown on drawing 0006 Rev P01 , have been submitted to and approved in writing by the Local Planning Authority.
The applicant has provided the following documents:

Acoustic Fence drawing, Timber Knee Rail drawing, Close Boarded Fence drawing AD302 and Proposed Site Plan Boundary Treatments. Environmental Protection have been consulted and have raised no issues subject to the fence being correctly maintained.

The condition was imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 20 - External Lighting

The condition requires the developer provide the following:

Notwithstanding the submitted lighting details, before the development hereby permitted is first occupied details of any external lighting to be provided in association with the development shall be submitted to and approved in writing by the Local Planning Authority.

The applicant has provided the following document:

Electrical Engineering Services External Lighting

Environmental Protection have been consulted and have raised no issues, highways have also made comment that they have no objections.

The condition was imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged.

Condition 24 - Entrance to the Store Car Park

The condition requires the developer provide the following:

Notwithstanding the detail on the submitted plans, before the development hereby permitted is first occupied details of how the entrance to the store car park will be secured shall be submitted to and approved in writing by the Local Planning Authority.

The applicant has provided the following document:

Heavy Duty Telescopic Bollard drawing, Proposed Site Plan.
Environmental Protection have been consulted and have raised no issues, highways have also made comment that they have no objections.

The condition was imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and is hereby discharged

Conclusion

Conditions 8, 19, 20 & 24 relating to 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.