

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0815-23 **Applicant:** Aldi Stores Limited

Proposal: Details of European Protected Species Licence (Condition 17 of H09-1057-22)

Location: Aldi Fleet Street Holbeach

Terminal Date: 8th November 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
28	The Natural Environment

National Guidance

National Planning Policy Framework 2023

National Planning Policy Framework (2021)

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 15. Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
OTHER STATUTORY BODIES	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks to discharge conditions 17, attached to planning approval H09-1057-22, relating to the need to obtain and gain confirmation for a European Protected Species Licence.

Planning approval H09-1057-22 granted full planning permission for the construction of foodstore (Use Class E) together with car parking, landscaping, and associated works, following the

demolition of existing buildings.

Site Description

As detailed within the previously approved application (H09-1057-22), the site extends to approximately 0.86 hectares and occupies brownfield land within the settlement boundaries of Holbeach. The most recent use of the site was a Council Depot (Sui Generis) which was recently vacated by the council and is now just used for the storage of wheelie bins. A Boxing Academy (Class E(d)) was also on site and closed around 5 years ago. Some of the existing trees on site are protected under a Tree Preservation Order and will be retained and enhanced through the proposed development.

Site access is via an existing access with B1515 Fleet Street to the north of the site. The site is situated on land to the south of B1515 Fleet Street and is approximately 500m to the east of the Centre of Holbeach.

The site sits circa 160 metres from Holbeach District Centre with established footpaths and cycle lanes lining Fleet Street promoting links with the centre and a mix of commercial and residential properties lining the route. It also has good access to public transport, with bus stops in situ.

History

H09-1613-07 - Outline application for residential development - Withdrawn 2008.

H09-0937-09 - Part change of use of SHDC works depot (sui generis) to boxing academy (D2) - Approved 2010.

H09-1057-22 - Demolition of existing buildings and construction of foodstore (Use Class E) together with car parking, landscaping, and associated works - Approved 2023

Consultation Responses

Lincolnshire Bat Group

The information will be duly archived in county records.

Planning Considerations

This application relates to condition 17 of planning approval H09-1057-22.

Condition Details

Condition 17

Condition 17 of planning approval H09-1057-22 states:

No work shall commence on site until confirmation that a European Protected Species Licence is in place following further survey work that has been undertaken, unless otherwise agreed in writing with the Local Planning Authority.

This condition was attached to the aforementioned approval for the following reason:

In order to ensure Protected Species are protected. This Condition is imposed in accordance with Policy 28 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2021.

As such, condition 17 requires the applicant to provide information in respect of confirming a European Protected Species (EPS) License is in place. As is detailed within the submitted details, and further set out within the submitted covering letter, "the EPS License has been received" and can be viewed through ref: Licence 2023-65439-EPS-MIT, dated 11th September 2023.

Conclusion

The details in relation to condition 17 are acceptable and can be 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.