DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H14-0077-20**	**Applicant:**	**Hawkstone Properties PLC**
Proposal:	Proposed mixed use development comprising of drive thro' coffee shop A3 use, cafe/hot food takeaway A3 use, A3 & A5 restaurants and D2 assembly and leisure (fitness centre) and/or B1, B2, B8 (trade counter) use - Approved under H14-1252-18. Removal of condition 8 relating to CCTV System		
Location:	Land At The Junction Of Wardentree Lane/Wardentree Park Pinchbeck		
Terminal Date:	5th May 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

03	Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 8 - Promoting healthy and safe communities

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The applicant is seeking to remove Condition 8 of H14-1252-18 which requires details of a CCTV system for security and monitoring purposes covering the whole site to be submitted and agreed in writing by the Local Planning Authority prior to the occupation of any unit.

The applicant wishes to remove the condition as occupiers of the individual units would prefer to make their own arrangements in relation to CCTV and security and thus there are practicality issues for discharging the condition.

Site Description

The site is a vacant and overgrown triangular parcel of land located in a prominent position on the corner of Wardentree Lane and Wardentree Park, Pinchbeck. There are a range of existing uses in the surrounding area. Morrisons supermarket and petrol station is diagonally opposite on other side of the roundabout and there are industrial premises to the west on the other side of Wardentree Park. A car servicing centre is located to the east. In the wider area there are trade counters, a car dealership and health uses (such as gyms and therapy centres).

History

H14-0092-20 - Proposed mixed use development comprising of drive thro' coffee shop A3 use, cafe/hot food takeaway A3 use, A3 & A5 restaurants and D2 assembly and leisure (fitness centre) and/or B1, B2, B8 (trade counter) use - Approved under H14-1252-18. Minor amendments to floor plans, elevations, roof plans & site plan (approved 2nd May 2020)

H14-1252-18 - Proposed mixed use development comprising of drive thro' coffee shop A3 use, cafe/hot food takeaway A3 use, A3 & A5 restaurants and D2 assembly and leisure (fitness centre) and/or B1, B2, B8 (trade counter) use (approved 2nd July 2019)

H14-0591-06 - Erection of 5 units to be used for B2 and/or B8 and/or B8 with ancillary showroom use and/or sui generis operations (application withdrawn on 31st July 2006)

H14-1112-06 - Erection of five units to be used for B2 and/or B8 and/or B8 with ancillary showroom use and/or sui generis operations (refused 24th October 2006)

Consultation Responses

Lincolnshire Police - No objections.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

Planning Considerations

The applicant is effectively requesting that Condition 8 be removed for reasons of practicality. It is expected that each unit occupier would implement their own CCTV system regardless and Lincolnshire Police have no objections to its removal.

The applicant also originally requested the removal of Condition 10 (provision of electric vehicle charging point), however the application was amended and Condition 10 omitted. This was on the basis that the removal of the requirement for one double electric vehicle charging point would be contrary to the South East Lincolnshire Local Plan (2019) (Policy 36 in particular) and thus permission for this would not be granted.

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.

Conclusion

Taking the above into account, it is considered that the removal of Condition 8 from planning permission ref. H14-1252-18 is acceptable. It is expected that CCTV systems will be installed in individual units regardless and thus there should be no conflict with Policy 3 of the South East Lincolnshire Local Plan (2019) which, amongst other things, requires development proposals to ensure crime prevention and community safety, as well as Section 8 (Promoting healthy and safe communities) of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated approval.