DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0329-25**	**Applicant:**	**Jenga Real Estate**
Proposal:	Details of external lighting scheme and CCTV system (Conditions 8 and 9 of H16-0723-24)		
Location:	Plot 3 Lincolnshire Gateway Business Park Spalding		
Terminal Date:	26th May 2025		

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 December 2024

Section 2 - Achieving sustainable development
Section 4 - Decision-Making
Section 12 - Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a discharge of conditions application providing details of external lighting scheme and CCTV system (Conditions 8 and 9 of H16-0723-24).

Site Description

The application site comprises approximately 0.4 hectares of land to the south of Spalding. The site comprises a vacant plot of land that is being developed (under permission H16-0395-23). The site is part of the wider Lincolnshire Gateway Business Park site granted outline planning permission in 2014 under permission reference H16-0009- 14 and is situated to the west of the existing Applegreen petrol filling station and services built under that permission.

The site itself is bound to the north and west by Barrier Bank Road, to the east by the access road (Goodison Road) into the wider Business Park site and to the south by undeveloped land. Immediately adjacent to this is two new restaurant and takeaway units (KFC and Taco Bell) developed under permission reference H16-0172-21.

The site is located within Flood Zone 1 is not within a Conservation Area and there are no listed buildings in close proximity to the site.

History

H16-0723-24 - Erection of 2 single storey restaurant/cafe units with associated drive thru's (sui generis) and 1 single storey restaurant/cafe unit (Use Class E), 42 car parking spaces, access & landscaping - Approved under H16-0395-23. Modification of Condition 2 to allow amendments to previously approved plans and Modification of Conditions 3, 5, 8 & 9 to allow amendments to the wording relating to landscaping & tree planting, site & floor levels, external lighting & CCTV system. Approved 22-10-24

Consultation Responses

Highways

Details of external lighting scheme and CCTV system (Conditions 8 and 9 of H16-0723-24) - these conditions were not requested by Lincolnshire County Council. This site is on private land and therefore it is for the Local Planning Authority to determine if the details are acceptable.

Environmental Protection

No comments

Planning Considerations

Condition 8 - External Lighting Scheme

The condition requires:

Prior to the first use of any phase of the development (as identified on drawing FRO-DUK 003-P-20), details of an external lighting scheme for the car park of the premises within that phase shall be submitted to and agreed in writing by the Local Planning Authority. The external lighting scheme shall be implemented in accordance with the approved scheme.

The applicant has provided:

- Lighting Report, by Bever Innovations
- General Works Layout Plan
- Bollard Lighting Specification Sheet
- Pole Lighting Specification Sheet

Environmental Protection have been consulted and have no comments to make. It is considered that the location of lighting fixtures as shown on the layout plan, as well as the details of illuminance provided by other supporting documents, is considered acceptable.

Condition 8 is therefore discharged.

Condition 9 - Details of CCTV

The condition requires:

Prior to the first use of any phase of the development, details of a CCTV system (including programme for its implementation, ongoing maintenance and management) for both security and monitoring purposes for that phase shall be submitted to and agreed in writing by the Local Planning Authority. The CCTV scheme shall be implemented, managed and maintained in accordance with the approved scheme and programme.

The applicant has provided:

-General Works Layout Plan
-CCTV Details (Paul Aerial Solutions)

The proposed scheme of CCTV is considered appropriate. The application site is not located close to any uses that would be sensitive to this level of surveillance, which is likely to be commensurate with the commercial activity associated with this application.

Condition 9 is therefore 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.

Conclusion

Conditions 8 and 9 of H16-0723-24 are hereby discharged.