
Appeal Decision

Site visit made on 27 June 2017

by Andrew McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 July 2017

Appeal Ref: APP/A2525/W/17/3171261

Sainsbury's, Holland Market, Spalding PE11 1RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tony Lawler of Sainsbury's Supermarkets Ltd against the decision of South Holland District Council.
 - The application Ref H16-1056-16, dated 17 October 2016, was refused by notice dated 16 January 2017.
 - The development proposed is installation of Timpson's pod within customer car park.
-

Decision

1. The appeal is allowed and planning permission is granted for the installation of Timpson's pod within customer car park at Sainsbury's, Holland Market, Spalding PE11 1RQ in accordance with the terms of planning application Ref: H16-1056-16 and subject to the following conditions:
 - 1) The development hereby permitted shall be removed from the site within a period of five years from the date of this decision and the site restored to its former condition before that date.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos: CHQ.16.11751-PL01A; CHQ.16.11751-PL02; CHQ.16.11751-PL03A; CHQ.16.11751-PL04A; CHQ.16.11751-PL05 and CHQ.16.11751-PL06A.

Application for costs

2. An application for costs was made by Sainsbury's Supermarkets Ltd against South Holland District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area and its impact with regard to pedestrians.

Reasons

4. The appeal site is situated within a sizeable retail area which consists of a large supermarket with several other retail units nearby. The area is adjacent to the town centre which has a good range of small, medium and large retail units. Spalding is considered to be a small market town in a rural location. However, the character and appearance of the area immediately surrounding the appeal site is one of significant retail and commercial use with a large car parking area

and a bus station to the north of the site. The retail park comprises a number of large brick built retail units of which Sainsbury's occupy the largest.

5. Policy SG14 of the South Holland Local Plan 2006 (Local Plan) states that new development should be designed to ensure that it makes a positive contribution to the architectural and visual quality of its surroundings. Although the policy indicates that proposals should normally respect the local architecture of the area, high quality contemporary design will be supported in appropriate contexts. Amongst other things, consideration will be given to matters including the relationship of the development to the character, form and scale of existing buildings nearby, the scale, form and height of the proposal and the provision for pedestrians.
6. Given the retail and commercial character of the area, I find that the proposed pod would not appear out of place in such an environment. I note that the supermarket has been designed to reflect the architectural features of the nearby railway station. Furthermore, I acknowledge that development should seek to reflect local distinctiveness and be of a high quality construction to complement the existing built environment. In addition, I note that the proposal is intended to appear as a subservient and ancillary building to the adjacent retail units.
7. Whilst the design and materials of the proposed pod would not reflect the existing brick and slate of the nearby retail units, I find that its scale and use would be in keeping with its commercial and retail surroundings. I appreciate that the pod would be highly visible from a number of positions around the site. However, its scale, form and height would result in the pod appearing subservient and ancillary to the retail unit adjacent to it. Therefore, I find that its scale, form and height would be appropriate in reflecting that purpose.
8. Whilst the proposed timber cladding of the pod would contrast with the materials used for the existing retail units, I find that its colour would be in keeping with the wider appearance of the area. Moreover, although the colour would fade over time and would undoubtedly alter the appearance of the proposal, I find that such an effect would only serve to integrate the pod into the existing character and appearance of the retail park.
9. Consequently, I conclude that the proposed development would have no significant adverse impact on the character and appearance of the surrounding area. Therefore, it would comply with Policy SG14 of the Local Plan and the relevant guidance within the National Planning Policy Framework (the Framework). Amongst other matters, this policy and guidance seeks to ensure that development makes a positive contribution to the architectural and visual quality of its surroundings, respects the character, form and scale of nearby buildings and has no significant adverse effect on the character and appearance of the locality in terms of its scale, form and height.

Impact on pedestrians

10. The proposed pod would be located adjacent to the entrance of Sainsbury's. From what I have seen and read, the proposal would not restrict pedestrian access to the nearby retail units nor would it unduly restrict pedestrian circulation around the area. I note that the appellant submitted an amendment to the position of the pod during the application process in response to concerns regarding its impact on pedestrian circulation at busy times.

Furthermore, the appellant has provided evidence indicating that the space around the pod would be sufficient to ensure the safe movement of pedestrians without encroaching on parking areas.

11. Whilst I acknowledge the minor inconvenience that the location of the pod may cause some pedestrians in terms of having to walk around it to gain access to the supermarket, in the absence of any substantive evidence to the contrary, I find that the proposal would have no adverse impact on pedestrian activity. As a result, I am satisfied that the proposal would not prevent access to nearby retail units, nor would it present any danger to pedestrian safety.
12. Consequently, I conclude that the proposed development would have no significant adverse impact on the movement of pedestrians in the area around the appeal site. Therefore, it would comply with Policy SG14 of the Local Plan and the relevant guidance within the Framework. Amongst other matters, this policy and guidance seeks to ensure that development has no adverse impact on the provision of facilities for pedestrians.

Other considerations

13. Concerns have been raised relating to the economic impact of the proposal on other businesses in the area. I have had due regard to these points. However, I have seen no substantive evidence to indicate that the proposal would have an adverse impact on the viability and vitality of the town centre or any businesses within it. Furthermore, given the small size and scale of the proposal, I find it unlikely to have any significant adverse economic impact on the area. Notwithstanding this, whilst I appreciate that these matters are of great importance to those involved, it is clear that planning is unable to impact on market forces through the prevention of competition. As such, such matters are therefore not a planning consideration to which I attach significant weight.
14. I note concerns regarding the matter of precedent where similar proposals may come forward were this proposal allowed. Furthermore, I acknowledge that similar pods to that proposed are located at supermarkets across the country and that such developments now form an established retail presence in such locations. Notwithstanding this, all proposals must be assessed on their own merits and circumstances. In my view, the proposal accords with the development plan. Therefore, it should be allowed unless material considerations indicate otherwise. I note that no similar developments are in situ in the area. Therefore, whilst I concern at the possibility of creating an undesirable precedent in the locality, I find it unlikely that a proliferation of similar proposals would emerge to result in any significant harm being caused. As a result, I find it inappropriate to give any significant weight to this matter.

Planning Balance

15. The proposal would create some small scale employment opportunities and make a contribution towards wider economic growth in the locality. It would provide a suitable and complementary service within an established retail setting and appear as a subservient and ancillary addition to the services and facilities provided at the retail park. Furthermore, I note that the proposal would be built off-site and installed on-site quickly and easily which would minimise any disruption to existing retail businesses and their customers. In addition, it would have minimal impact on pedestrian activity in the locality.

16. Although these benefits are relatively modest, this reflects the nature and scale of the proposal. As such, I find that its impact on the character, appearance and functionality of the area would not be of such significance as to warrant a reason to refuse planning permission. Therefore, on balance, I find that the very limited harm resulting from the proposal would demonstrably outweigh the benefits identified.

Conditions

17. I have had regard to the conditions suggested by the Council. Where necessary, and in the interests of conciseness and enforceability, I have altered the conditions to better reflect the relevant parts of the Planning Practice Guidance.
18. The condition relating to a temporary five year period for planning permission is necessary and reasonable for reasons of character and appearance. The condition relating to approved plans is necessary to provide clarity and certainty and for reasons of character and appearance.

Conclusion

19. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed and planning permission granted.

Andrew McCormack

INSPECTOR