

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-0137-23 **Applicant:** The Coffee Lounge (Lincs) Ltd.

Proposal: Change of use of shop to cafe/coffee shop (eat in and take-away)

Location: 51 High Street Holbeach Spalding

Terminal Date: 20th April 2023

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

01	Spatial Strategy
02	Development Management
03	Design of New Development
24	The Retail Hierarchy
26	Primary Shopping Frontages
27	Additional Retail Provision
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Section 4. Decision Making
Section 7. Ensuring the Vitality of Town Centres
Section 12. Achieving Well-Designed Places
Section 16. Conserving and Enhancing the Historic Environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	1	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

RESIDENTS	4	0	0	0
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CASE OFFICER ASSESSMENT

Proposal

The application proposes a full planning application for the change of use of the existing pop up shop to a food outlet, coffee shop which includes take-away (Class E).

Site Description

The application site comprises a buff brick building located on High Street in Holbeach. The site is within the Holbeach settlement boundary, Holbeach Conservation Area and Holbeach Town Centre. The immediate area is a mixture of retail and commercial.

History

H09-0459-17 - Change of Use from Post Office (A1 use) to Tanning Bed Salon (Sui Generis use). - Approved

Consultation Responses

Ward Councillor Cllr F Biggadike

A new business which will promote the Health and Wellbeing Policy of the Council

Environmental Health

No objection

LCC Highways/SUDS

The proposal is for change of use of shop to cafe/coffee shop (eat in and take-away) and it does not have an impact on the Public Highway or Surface Water Flood Risk. The site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future visitors of the development will not be reliant on the private car and therefore parking is not essential for this proposal, however there is a suitable car park within close vicinity to the site.

No Objections

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Residents

Four letters of representation have been received. The points raised can be summarised as follows:

- We do not need another cafe in Holbeach
- There are already 5 cafes and 3 public houses within half a mile of each other
- There are countless takeaway shops
- Holbeach needs more independent shops

-This will affect other business

Planning Considerations

Design, layout and heritage impacts

The site is located within the Holbeach Conservation Area. The proposal does not involve any external changes to the building therefore the scheme would not impact the character or appearance of the area.

In summary, the proposals are visually acceptable within the locality and comply with Policies 2, 3 and 29 of the SELLP and Sections 12 and 16 of the NPPF.

Retail Impact

Policy 1 of the SELLP sets out that within the settlement boundaries of the Main Service Centres development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

Policy 24 sets the policy stance for retail development within South Holland. For the purposes of this policy Holbeach is defined as a District Centre, the policy stating that town centre uses will be permitted where they, on their own or cumulatively with other permitted development, will generate no significant harm upon the vitality and viability of that centre.

As such the proposed take away and coffee shop use is considered acceptable in this town centre location, which is within the primary shopping area of Holbeach.

Residential Amenity

The majority of the properties in the area are commercial/retail therefore the proposed use is not considered to be out of character with the area or result in any neighbouring amenity concerns as the activities associated with the proposed use are already present on neighbouring premises.

Parking/highway implications

The Local Highways Authority has not raised any objections as the site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport and therefore parking is not essential for this proposal.

Other Matters

Representation received during the application has also identified concerns with regards to another coffee shop and take away opening in Holbeach. The concerns are noted however, the proposed coffee shop use is considered acceptable in this town centre location, which is within the primary shopping area of Holbeach.

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permits the change of use from a retail shop to a coffee shop (both Use Class E) under permitted development. As such, the proposed coffee shop would fall under the GPDO if the proposal did not include a take away facility. As such, the fall back position ensures that the coffee shop is not unacceptable, and it is considered that the coffee shop would not cause an unacceptable impact to the character or appearance of the area.

Planning Balance

The proposal will not materially harm the character or appearance of the locality, the amenity of nearby residents, or have highway or retail impacts. The planning balance is therefore considered to be in favour of the proposal.

Conclusion

In light of the considerations above, the proposal is considered to be in accordance with Policies 1, 2, 3, 24 and 29 of the South East Lincolnshire Local Plan (2019) and Sections 4, 7, 12 and 16 of the

National Planning Policy Framework (2021).

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.