

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 12 January 2022

(Author: Sundas Shaban - Planning Officer)

Purpose: To consider Planning Application H09-0978-21

Application Number: H09-0978-21

Date Received: 17 September 2021

Application Type: FULL

Description: Change of use of former 'Pop In Centre' to retail and coffee shop (eat in)

Location: Pop In Centre Church Street Holbeach

Applicant: Mrs J Harris

Agent: Mrs J Harris

Ward: Holbeach Town

Ward Councillors: Cllr F Biggadike
Cllr T Carter
Cllr G T D Rudkin

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H09-0978-21>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The property is owned by South Holland District Council.

2.0 PROPOSAL

2.1 The application proposes a change of use of the existing Pop In Centre previously used by Age UK to a retail and coffee shop, which falls within Class E - Commercial, Business and Service of the Use Classes Order, which was amended in 2020.

3.0 SITE DESCRIPTION

3.1 The application site comprises a buff brick building located on Church 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, commercial and residential. All Saints Church is located to the south-east of the site.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 24 - The Retail Hierarchy
Policy 29 - The Historic Environment

National Guidance

National Planning Policy Framework (NPPF), 2021

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

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 No relevant planning history.

6.0 REPRESENTATIONS

6.1 Holbeach Parish Council

The development would make good use of an empty building.

6.2 Cllr F Biggadike

Support as a redundant Council property in prominent place in the town centre in need of T,L,C would be brought back into use and also bring in income for the Council.

6.3 LCC Highways/SUDS Authority

Does not wish to restrict the grant of permission.

6.4 SHDC Environmental Protection

No objection.

6.5 South Holland Internal Drainage Board

No comments as the scheme does not meet our threshold for commenting.

6.6 Public

One letter of representation has been received supporting the scheme on the basis that the site would be better occupied and working.

7.0 CONSIDERATIONS

7.1 **Planning Considerations**

7.2 Design, layout and heritage impacts

7.3 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.

7.4 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.

7.5 Retail Impact

7.6 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.

7.7 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.

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

7.9 Residential Amenity

7.10 The majority of the properties in immediate 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.

7.11 Parking/highway implications

7.12 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.

7.13 Planning Balance

7.14 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.

7.15 **Conclusion**

7.16 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).

7.17 **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.

8.0 RECOMMENDATIONS

8.1 Grant permission subject to those Conditions listed at Section 9.0 of this report.

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site location plan
Application form

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of the use hereby permitted, details of the operating hours of the coffee/retail shop shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the occupiers of nearby residential properties.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019, and national guidance contained in Section 12 of the National Planning Policy Framework, 2019.

4. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

Background papers:- Planning Application Working File

Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

