DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H14-0225-20**	**Applicant:**	**Hawkstone Properties Ltd**
Proposal:	Details of mud prevention on public highway, external materials, on-site foul water drainage and bicycle storage/parking (Conditions 3, 4, 6 and 9 of H14-1252-18)		
Location:	Land At Junction Of Wardentree Lane/ Wardentree Park Pinchbeck		
Terminal Date:	8th May 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed places
Section 15 - Conserving and enhancing the natural environment

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	2

CASE OFFICER ASSESSMENT

Proposal

Details of mud prevention on public highway, external materials, on-site foul water drainage and bicycle storage/parking (Conditions 3, 4, 6 and 9 of H14-1252-18).

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

H14-0077-20 - 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. Removal of condition 8 relating to CCTV System (approved 1st April 2020)

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

Anglian Water - Proposed foul water drainage strategy is acceptable. Recommends that Condition 5 is discharged.

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

Pedals - This application should be improved by creating an access to the site from Wardentree Lane so that cyclists will have a more direct access to the cycle park from the cycle route which already exists on the north side of Wardentree Lane. This will be safer than using the same access as motor vehicles, and cycling amongst vehicles manoeuvring within the car park.

Planning Considerations

Condition 3 (prevention of mud on highway) - The proposal is for a stoned haul road to be installed instead of use of a wheel wash. Vehicles entering the site would only be permitted on this road. Jet washing will be used should conditions on the site change significantly. The Highways Authority have no objections to this proposal.

Condition 4 (external materials) - Units 1-4 would be faced with grey composite panels and anthracite grey profiled metal roofing, with aluminium framed glazing and doors to the front of units. Unit 5 would be of typical design for a Starbucks drive-thru with dark grey panelling and timber boarding, with associated branding. The access and parking spaces would be tarmacked and

pedestrian walkways/areas constructed of concrete slab. This is considered acceptable given the nature of the development and the surrounding context of industrial type units.

Condition 6 (foul water drainage) - The proposal is to connect into the existing foul water network. Anglian Water have no objections to this.

Condition 9 (bicycle storage/parking) - This condition requires the provision of secure and covered bicycle parking in accordance with Policy 36 of the Local Plan. A Regal cycle shelter is proposed which would accommodate 8 cycles and be located at the eastern end of the centre row of vehicle parking spaces. Appendix 6 of the Local Plan sets out cycle parking standards for certain types of development. Based on the use classes covered (B2, B8 and A3) a minimum of 3 cycle parking spaces is required. It is interpreted that there is no minimum requirement for cycle parking spaces for A3 uses, and it states that D2 and A5 uses are to be assessed on a site-by-site basis as these are not covered in the appendix. Given that the A5 unit is a drive through coffee premises and there will be some element of combined trips to the scheme, it is not considered that there would be a significant requirement for cycle parking spaces for this particular unit. With regard to the D2 use (gym) it is expected that there would be a requirement, but not one that would exceed the remaining spaces provided. 8 spaces are therefore considered to be sufficient.

Pedals have suggested that an access be created from Wardentree Lane for cyclists to have a more direct access from the cycle route on that road to the cycle parking. However, the site layout and access has already been approved.

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 prote.cted 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, the submitted details are considered to be in accordance with Policies 2, 3, 4, 30 and 36 of the South East Lincolnshire Local Plan (2019), including Appendix 6, as well as Sections 9, 12 and 15 of the National Planning Policy Framework (2019).

Conditions 3, 4, 6 and 9 of H14-1252-18 can therefore be discharged.