

## DECISION DELEGATED TO DEVELOPMENT MANAGER

|                        |                                                                                                          |                   |                              |
|------------------------|----------------------------------------------------------------------------------------------------------|-------------------|------------------------------|
| <b>Application No:</b> | H14-0630-20                                                                                              | <b>Applicant:</b> | WM Morrison Supermarkets PLC |
| <b>Proposal:</b>       | To provide an additional left-in/left-out access/egress to the store car park from B1180 Wardentree Lane |                   |                              |
| <b>Location:</b>       | Morrisons Wardentree Lane Pinchbeck                                                                      |                   |                              |
| <b>Terminal Date:</b>  | 29th September 2020                                                                                      |                   |                              |

### Planning Policies

#### South East Lincolnshire Local Plan - Adopted: March 2019

|            |                                                                           |
|------------|---------------------------------------------------------------------------|
| 01         | Spatial Strategy                                                          |
| 02         | Development Management                                                    |
| 03         | Design of New Development                                                 |
| 04         | Approach to Flood Risk                                                    |
| 07         | Improving South East Lincolnshire's Employment Land Portfolio             |
| 24         | The Retail Hierarchy                                                      |
| 25         | Supporting the Vitality and Viability of Boston and Spalding Town Centres |
| 27         | Additional Retail Provision                                               |
| 30         | Pollution                                                                 |
| 31         | Climate Change and Renewable and Low Carbon Energy                        |
| 32         | Community, Health and Well-being                                          |
| 33         | Delivering a More Sustainable Transport Network                           |
| 35         | Delivering the Spalding Transport Strategy                                |
| 36         | Vehicle and Cycle Parking                                                 |
| APPENDIX 6 | Parking Standards                                                         |

#### National Guidance

#### National Planning Policy Framework 2019

NPPF 2019.

### 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               | 0 | 1 | 0 | 0 |

## **CASE OFFICER ASSESSMENT**

### **Proposal**

To provide an additional left-in/left-out access/egress to the store car park from B1180 Wardentree Lane.

The proposed scheme is to provide an additional access/egress from the store onto B1180 Wardentree Lane in the form of a left-in/left-out only arrangement to provide an alternative route for customers and to remove some of the traffic from the main store access road.

As a result of the works the existing pedestrian and cycle crossing will be relocated some 10 metres to the east of its current location. Tactile paving will be provided at the crossing.

A total of 7 parking spaces will be lost as part of the new access to facilitate the access.

Visibility splays of 2.4m x 120m can be achieved in both directions from the proposed access. The distance used is based on the DMRB CD 109 standards for a 40mph road.

The application is supported by a Transport Assessment.

### **Site Description**

The application site consists of a Morrisons foodstore is located to the north of the market town of Spalding. It is bounded by B1180 Wardentree Lane to the north, Benner Road to the east, existing industrial premises to the south and industrial premises and a field to the west. The store has a gross floor area of approximately 6,360m<sup>2</sup>, a petrol filling station (PFS) and a 484 space car park.

Access to the store for customers and servicing is currently provided via a priority junction with Benner Road on the eastern boundary of the site. At peak times, delays occur for Morrisons customers entering or exiting the store car park via the existing site access.

Wardentree Lane forms the northern boundary of the site and is subject to a 40mph speed limit. It is street lit and is bound by a 2m wide footway and grass verge to the north of the carriageway.

### **History**

None relevant to the consideration of this proposal.

### **Consultation Responses**

#### **SHDC Cllr E J Sneath**

Pleased to see this idea finally coming forward, it will relieve congestion around the nearby roundabout and keep traffic moving at peak times.

#### **SHDC Executive Programme Manager**

No difficulties with the approach set out, particularly since the application itself seeks to bring forward some positive improvements over the existing on-the-ground situation. There are presently some clear highway difficulties with the existing access/egress to and from Morrisons - particularly those associated with vehicles seeking to turn either right into the site or to turn right when leaving the site.

Subject to LCC conditions there should be no possibility of a clash with the wider traffic management scheme necessary to ensure the delivery of Section 5 to the Spalding Western Relief Road.

#### LCC Highway and Lead Flood Authority

No objection subject to a condition to ensure the engineering drawings are acceptable.

The LCC Highway Service have specifically considered the third party matters set out below, and respond as follows:

1. The reported non-compliance with the posted speed limit on Wardentree Lane would be a matter for the Police to enforce. Existing speed limits are routinely reviewed and measured against the Authority's Speed Restriction Policy. If this road were to meet the prescribed qualifying criteria of that Policy, then a 30mph limit may be possible. However, that is an entirely separate process to this Planning Application and a 30mph speed limit would not be deemed to be necessary to make the proposed development acceptable in Planning terms.

2. The proposal is to relocate the existing informal pedestrian and cycle crossing point so that it would fall outside of the footprint of the proposed new access/egress. This includes new dropped kerbs on the Greencore side of Wardentree Lane. The Authority also has a prescribed Policy for the provision of formal pedestrian crossings - Zebra, Pelican, Toucan etc. Any request for such a crossing here would have to be assessed against the qualifying criteria. However, the provision of a formal pedestrian crossing here would not be deemed to be necessary to make the proposed development acceptable in planning terms.

3. The necessary engineering works to adjust the position of the informal pedestrian/cycle crossing would all fall within the bounds of the existing public highway and would not require land from any third party so no mitigation would be necessary.

4. The works to alter the position of the existing informal pedestrian/cycle crossing would be managed by the highway authority under a Minor Works Permit. The traffic management during the execution of the works will be for the Applicant to agree with the highway authority but I would have thought it would be possible to do those works under the control of two-way temporary traffic signals rather than by having to close the road and provide a diversion route.

#### Third Parties

One expression of support has been received, which raises the following comments:

1. Concerns about the current 40mph speed limit, this often appears to be ignored, however, should it be 30mph?
2. The proposal mentions reinstalling the pedestrian crossing on Morrisons ground, what about the dropped kerb and pedestrian crossing too Greencore side of the road? Could this be a proper pedestrian crossing?
3. The diagram appears to impede on Greencore ground and the pathway, how will this be mitigated during construction?
4. Will there be any need for diversions, particularly for commercial vehicles during the works?

LCC Highway Service has responded to these matters, above.

#### **Planning Considerations**

##### Principle of Development

The development is intended to support an existing retail store in this employment area, to remedy an issue that is perceived to be a source of complaints from the users of the store as well as general road users. The development is considered in principle to support the SELLP policies 01:

## Spatial Strategy and 33: Delivering a More Sustainable Transport Network.

The details of the junction are considered to be acceptable, and the loss of 7 parking spaces would not be so problematic that permission should be refused on that basis. The development has been considered in the light of Policy 36: Vehicle and Cycle Parking and is considered to be acceptable.

### Support for and existing retail store

The revised access arrangements would help the existing store, creating easier access and circulation around the site. The overall aims of the development support the provision and continued use of this retail store.

### Highway safety

The submitted transport assessment is based upon traffic surveys from 2016, as a survey showing "normal" traffic flows has not been possible due to the Covid 19 lockdown and subsequent reduced use of the highway, however LCC have considered the details of the submission and conclude that the development is acceptable in terms of highway and pedestrian safety.

### Other Matters

The wider third party concerns raised have been addressed by LCC Highway Service above, and are supported by the Local Planning Authority.

## **Conclusion**

The works are considered to be acceptable and support the aims of the SELLP and the NPPF 2019.

## **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.