

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H14-0983-22 **Applicant:** Mr N Odedra

Proposal: Conversion of existing building to provide a local convenience store, to include new front elevation design, shutters, condensing units external works and extension of opening hours

Location: 75 Church Street Pinchbeck Spalding

Terminal Date: 31st January 2023

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

01	Spatial Strategy
02	Development Management
03	Design of New Development
27	Additional Retail Provision
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

Section 2. Achieving sustainable development
Section 4. Decision-making
Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	1	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	24	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the conversion of the existing building to provide a local convenience store. The application includes new front elevation design, shutters, condensing units' external works and extension of the opening hours.

Site Description

The application comprises a detached rendered building located on Church Street in Pinchbeck. The building is set back on its plot with a forecourt to the front. The location of the application site is to the edge of Pinchbeck Conservation Area with older terraced properties to the north and more modern dwellings to the south and east. The building is also located within the street scene of Pinchbeck Hall which is a listed building to the north west. The building is not a significant building within the Conservation Area and is of plain construction.

History

H14-0521-13 - Extension and alterations to front elevation - Approved

H14-0440-10 - Change of use of part of building from builders yard and offices to bathroom showroom (retrospective) - Approved

H14-0133-07 - Timber store shed (retrospective) - Approved

H14-0545-06 - Change of use of former garage to offices and general store - Approved

H14-1110-06 - Alteration to front elevation and security fence & gate to rear (retrospective) - Withdrawn

H14-1437-06 - Alteration to front elevation, security fence and gate to rear - Approved

Consultation Responses

LCC Highways/SUDs

No objection.

The site has had previous consent for retail use, albeit of a different nature to the village convenience store being proposed in this Application. The proposed development does however provide for some customer car parking at the site's Church Street frontage, which has operated as such, and the area to the rear of the building falls within the red outline of the Application Site, appears to be accessible by vehicles and could therefore, presumably be used for staff car parking. It would also be possible for customers to park their vehicles in the lay-by area on the opposite side of Church Street without obstructing access to the designated bus stop or the property entrance off that lay-by. There is an existing pedestrian crossing immediately outside the Application Site which would allow customers to safely cross Church Street on foot. In view of the above, it is not considered that it would be impossible to use this existing building as a Convenience Store as proposed, without inevitably having an unacceptable impact upon highway safety. The highway authority does not therefore wish to object to this Application.

Pinchbeck Parish Council

Definitely recommend refusal - Overcrowding, little parking, dangerous junction with crossing patrol which will be blocked by delivery vehicles. Residential area, main thoroughfare through village, bus stop opposite, never mind noise and extra traffic and footfall on narrow dangerous junction.

Ward Member - Cllr J Avery

I understand planning consent already exists, largely inherited from the previous business, but this location is wholly inappropriate for such a business to operate.

Parking is inadequate for customers, employees and stock deliveries. The location is adjacent to a busy bus stop. Church Street, directly in front of this premises, is hatched, so I'm unclear how re-stocking deliveries will be achieved, or how customers arriving by vehicle can safely enter/leave the site in first gear. The bus stop is used by large numbers of school children.

I'm unclear how a retail premises of this nature fits within the Pinchbeck Conservation Area.

Pinchbeck already has two large retail outlets, both selling alcohol, within only a few hundred metres of this location.

There are residential properties within the immediate vicinity. This business will generate a level of noise from vehicles, customers and condensing/fridge units, which will have a direct impact on the amenity of these direct neighbours.

Extending the opening hours will also have a direct impact upon the nearest residential properties.

The site is adjacent to a pelican crossing, and is in close proximity to the junction with Knight Street, the Bull Public house directly opposite, and an additional bus stop virtually opposite. These are matters that I hope LCC Highways will take into consideration.

SHDC Environmental Protection Officer

I have some concerns regarding potential delivery hours and noise from the proposed condenser units.

I would be looking to impose a noise condition for the condenser units and would look to restrict delivery hours.

Public

25 no. of letters of objection have been received commenting the following (as summarised):

- Concerns regarding road safety / There are zig-zag lines outside the site
- There is a pedestrian crossing next to the site and a bus stop opposite the site
- It is far too dangerous to have a Convenience Store in this location/ Be a danger to pedestrians
- The opening hours need to be restricted
- There are two stores in the village already that sell alcohol on extended hours
- Lack of parking on site not only for customers but also for delivery vehicles
- Noise and light pollution from condensing units and signage/ No assessments have been done
- Aluminium windows and metal security shutters not in keeping with Conservation Area
- The application states no suspected contaminated land
- The building could be put to better use
- No details regarding disabled customers

Planning Considerations

Principle of development

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Policy 27 of the South East Lincolnshire Local Plan, 2019 (SELLP) states that Individual local shops, leisure uses and services and small neighbourhood clusters of them which meet the day-to-day needs of nearby residents, without the need to use a car, will be protected. Proposed new shops in such circumstances, will be limited to a maximum 100 sqm (net) floor space, unless a qualitative need to remedy a geographical deficiency in the distribution of food shopping can be demonstrated, in which case units up to 500 sqm (net) floor space will be permitted.

The proposed shop would be approximately 86 sqm therefore it is well within the limit set under Policy 27. However, Policy 27 also states that new convenience goods floor space should be provided within either a new Local Centre to serve a Sustainable Urban Extension or to provide for an undeserved area. In this case, the site is not within a Sustainable Urban Extension and it has not

been satisfactorily demonstrated that the shop would provide for an underserved area. There are two convenience stores within a 5 minute walk away from the proposed site and there is also a Morrisons supermarket located a 5 minute drive away. The proposal is therefore contrary to Policy 27 and is unacceptable in principle.

Character/Appearance

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The proposal involves alterations to the front (west) elevation of the building, comprising of the creation of a new opening with a security roller shutter and new signage. The proposed changes to the front elevation are not considered to unacceptably change the overall appearance of the site. To the rear (east) there are four condensing units proposed. The units will not be visible from the road, and it is therefore considered there will be no adverse impact to the street scene. The rest of the building will remain largely untouched.

The application site is located to the edge of Pinchbeck Conservation Area with older terraced properties to the north and more modern dwellings to the south and east. The building is also located within the street scene of Pinchbeck Hall which is a listed building to the north west. The alterations to the front elevations are not expected to harm the street scene or setting of the listed building the grounds of which are hidden by landscaping along its boundaries. Visually the proposed alterations to the building would not be much different to the Mace store on Knight Street, which is not particularly characterful, and is closer to a Listed Building than the application site. It is also not considered to be harmful to the visual amenity of the Conservation Area.

There is also a proposed totem sign proposed on the front boundary line of the application site. This would be prominent in the street scene. However, taking the above into account, the proposed alterations are deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of layout, design, size and scale.

Residential Amenity

Paragraph 130 of the National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

There are no proposed extension alterations to the building therefore it is not considered that that the proposal would overshadow, overlook or be overbearing to the neighbouring properties. However, the proposed shop is between two residential dwellings, the proposal includes an increase in working hours which could therefore have an unacceptable impact on the neighbouring dwellings in terms of noise and increase in traffic.

SHDC's Environmental Protection Officer has raised concerns regarding potential delivery hours and noise from the proposed condenser units and that they would be looking to impose a noise condition for the condenser units and would look to restrict delivery hours. This matter has not been explored further given the issue of principle.

Highway Safety

Appendix 6 of the SELLP 2019 requires 1 parking space per 14m², however, on the proposed plans there is approximately 3 car parking spaces indicated. The store would have to provide a minimum of 6 customer parking spaces for the proposal to be considered acceptable.

There have been numerous objections from the Parish Council and local resident concerned regarding highway safety. The application site is on white zig-zag lines, close to a pedestrian crossing and is opposite a bus stop. There is not sufficient parking proposed. The objectors

consider this application would cause road safety issues with more cars parking on the sides of the road and poor visibility for both vehicles and pedestrians.

The concerns are noted, however The Local Highway Authority has commented that the proposed development does provide for some customer car parking at the site's Church Street frontage, which has operated as such, and the area to the rear of the building falls within the red outline of the Application Site, appears to be accessible by vehicles and could therefore, presumably be used for staff car parking. It would also be possible for customers to park their vehicles in the lay-by area on the opposite side of Church Street without obstructing access to the designated bus stop or the property entrance off that lay-by. There is an existing pedestrian crossing immediately outside the Application Site which would allow customers to safely cross Church Street on foot. In view of the above, it is not considered that it would be impossible to use this existing building as a Convenience Store as proposed, without inevitably having an unacceptable impact upon highway safety. As such no objections are raised as the proposal would not be expected to have a detrimental cumulative impact upon road safety, traffic or highway terms.

It should also be noted that it would not be preferable in amenity terms for customers to park to the rear of the building due to the likely number of comings and goings of customers associated with such a use, coupled with the close proximity of the neighbouring dwellings and the position and width of the access.

However, notwithstanding the comments of The Local Highway Authority the proposal is contrary to Appendix 6 of the SELLP 2019, requiring 1 parking space per 14m².

Planning balance

The principle of the development is not acceptable under Policy 27 of the SELLP.

Minimal external changes are proposed therefore the proposal does not materially harm the character or appearance of the locality.

However, the scheme could harm the amenity of nearby residents as it would significantly increase noise and traffic.

Furthermore, there is not sufficient space for customer parking within the proposed site in the context of Appendix 6 of the Local Plan.

On balance therefore, any adverse impacts of granting permission to the proposals would significantly and demonstrably outweigh the benefits, when assessed against the planning policies taken as a whole.

Conclusion

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

Taking into account the above, this application is not considered to comply with Policies 2, 3, 27, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) as well as Sections 2, 4, and 12 of the National Planning Policy Framework (2021).

Accordingly, it is recommended that the application is refused via delegated powers.

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.