

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H16-0139-24      **Applicant:** Pure Gym Ltd  
**Proposal:** Installation of plant, external alterations and provision of cycle parking  
**Location:** Carpetright 70 Westlode Street Spalding  
**Terminal Date:** 17th April 2024

### Planning Policies

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

01                      Spatial Strategy  
02                      Development Management  
03                      Design of New Development  
29                      The Historic Environment

#### National Guidance

#### National Planning Policy Framework 2023

Sections 12 and 16 of the National Planning Policy Framework (December 2023) (NPPF)

### Representations:

|               | Object | Support | No Obj. | Comments |
|---------------|--------|---------|---------|----------|
| WARD MEMBER   | 0      | 0       | 0       | 0        |
| SHDC INTERNAL | 0      | 0       | 1       | 0        |

### CASE OFFICER ASSESSMENT

#### Proposal

This planning application is for the installation of plant and cycle parking in addition to minor external alterations at 70 Westlode Street

The application includes the installation of an external HVAC unit and associated ventilation louvres on the eastern elevation, as well as the installation of a new Bi-fold door, repainting of accoutrements to RAL 9011 (Graphite Black) and installation of cycle parking racks on the western elevation.

## Site Description

The application site is within the Spalding Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. The site is also defined in the local plan as part of Spalding Town Centre. Spalding is defined in the SELLP as a Sub-Regional Centre. The site is in an edge of centre location.

The site is a retail warehouse unit currently occupied by Carpetright. It is part of a wider development, forming one of two units forming the Spalding Retail Park. Permission was originally granted in 2005 for the erection of two non retail warehouse units, external garden centre, 24 one and two bedroom flats, parking for 161 cars and associated works. The current application's red line plan only relates to the Carpetright warehouse unit, not the wider site.

There are residential uses to the east and along Albion Street/Double Street to the south of the retail park. These are a mixture of older traditional two storey dwellings but single aspect apartments have also been built as part of the original scheme for the retail park on the southern elevation of unit 1. The site is also within a Conservation Area and listed buildings exist nearby but not adjacent.

## History

H16-0764-23 - Proposed use for 24 hour gym. Approved on 27-10-23.

H16-0941-21 - Demolish existing buildings and erect two non food retail warehouse units, external garden centre, 24 one and two bedroom flats, parking for 161 cars and associated works - approved under H16-0610-05. Modification of Condition 2 deleting the words 'food & drink for consumption off the premises (other than confectionary & pet foods)' - re-submission of H16-0957-20. Approved 20 October 2021.

H16-0957-20 - S73A CONTINUATION. Demolish existing buildings and erect two non food retail warehouse units, external garden centre, 24 one and two bedroom flats, parking for 161 cars and associated works - approved under H16-0610-05. Modification of Condition 2 to allow the sale of food & drink items from Unit 2. Withdrawn (appeal).

H16-0819-18 - Section 73 Application. (Former Homebase Store, 70 Westlode Street) Demolish existing buildings and erect two non-food retail warehouse units, external garden centre, 24 one and two-bedroomed flats, parking for 161 cars and associated works approved under H16-0610-05. Modification of Condition 2 to allow beneficial occupation of vacant store by B & M Retail Ltd - Approved 5th November 2018.

H16-0610-05 - Demolish existing buildings and erect two non-food retail warehouse units, external garden centre, 24 one and two-bedroomed flats, parking for 161 cars and associated works. - Approved 9 June 2005.

## Consultation Responses

SHDC Environmental Protection Team

No observations.

## Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above . The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local

Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted. The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

## **Planning Considerations**

The main issues and considerations in this case are (but are not limited to):

- Residential Amenity
- Heritage Impact

### Residential Amenity

Paragraph 135 of the NPPF states that development should 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) (SELLP) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

In this instance, given the proximity of residential properties to the east of the site, it was key to ensure that the impact of the proposed plant be assessed in terms of risk of undue noise generation. The attached acoustic design report outlays an acceptable noise signature at reasonable distances from the proposed units. The SHDC environmental protection team were consulted and found no cause to object to the proposal.

Otherwise, the proposal seeks no external dimensional alterations or the creation of any additional window openings, and as such, there is no potential for a material risk of overlooking or overshadowing caused by this proposal.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

### Heritage Impact

Paragraph 205 of the NPPF states that when considering the impacts of a proposed development upon the significance of a designated heritage asset (in this case, the conservation area), great weight should be given to the asset's conservation.

With regard to Conservation Areas, Policy 29, Section B of the SELLP confirms that proposals within, affecting the setting of, or affecting views into or out of, a conservation areas should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting.

In this instance, the Local Planning Authority does not consider there to be a risk to the value or significance of the historic environment. All external alterations in this case are minor, apart from the HVAC units installation which is not readily visible from the public realm. The proposed repainting is considered appropriate in tone to the setting, as is the proposed new door unit to the west.

For these reasons, no form of harm is identified in this proposal and therefore, the proposal satisfies the requirements of Section 16 of the NPPF and Policy 29 of the SELLP.

### Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

## **Conclusion**

For the reasons listed above, this application is deemed to be in accordance with Policy 29 of the SELLP as well as Sections 12 and 16 of the NPPF. Therefore, the recommendation is to approve.

## **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.