DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0177-21**	**Applicant:**	**Blakemore Retail Ltd.**
Proposal:	Erection of a single-storey retail unit - Class A1 - approved under H16-0293-19. Modification of Condition 2 to allow amendments to previously approved plans.		
Location:	210 Winsover Road Spalding		
Terminal Date:	16th April 2021		

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
05	Meeting Physical Infrastructure and Service Needs
24	The Retail Hierarchy
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres
26	Primary Shopping Frontages
27	Additional Retail Provision
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPF 2019.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

RESIDENTS	4	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Erection of a single-storey retail unit - Class A1 - approved under H16-0293-19. Modification of Condition 2 to allow amendments to previously approved plans.

Specifically-

Re-positioning of entrance door to suit interior layout proposals.
Reduction in screen heights to accommodate structural requirements.
Increased depth of fascia to accommodate structural requirements.
External works revised to suit new entrance door position.

Site Description

The application site is at the corner of Winsover Road and Carrington Road and is currently vacant. The site was formerly the location of a car sales company, and all buildings associated with that use have been demolished.

Permission was granted in 2019, as mentioned below.

History

H16-0293-19. Erection of a single-storey retail unit - Class A1. APPROVED. 09-05-19.

H16-0525-15. Erection of a single retail unit - Use Class A1. 20-08-15.

Consultation Responses

H16-0563-13. Installation of ATM. Approved 27-08-13

H16-0269-09. Demolish existing building and erect retail units (384 square metres). Approved 09-12-09.

Cllr A M Newton

Comments.
Agree amendments are minimal and unlikely to have major impact on the community.
Residents still concerned the original proposal will cause more on street parking issues and nuisance parking for them.

LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

The proposal is for minor modifications to door location and ramps and it does not have an impact on the Public Highway or Surface Water Flood Risk.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning
application.

Third Parties

Four objections have been received, summarised as follows:

Increase traffic and congestion in the area
Parking issues, highway and pedestrian safety in the area
Noise and pollution
In breach of fire safety as the fire fighters will find it difficult to reach in case of fire
Waste collection
The entire area will have litter problem
Area is a magnet for drug and alcohol related issues

Planning Considerations

U]Principle of use of the land and history of the site

The site benefits from an extant planning permission on the site that could be implemented for an A1 use, with servicing and parking. Thus the principle of the use of the site for A1 (Retail) use is established. This corner site is within an area of mixed development, with residential, shops and other uses in the vicinity.

The site was formerly used as a Motor showroom and MOT centre, which is considered to be a sui generis use, and has some similarities and elements of A1 use.

Visual impact

The design of the proposals are typical of this form of use, and would be an appropriate addition to this corner site. It is intended to create a building of 261 square metres of internal floor space, which is a reduction ion the overall size of the development, in comparison to that approved for the site. The new proposal is now for only one number A1 unit rather than two number A1 units.

The changes proposed are minor in nature and would not impact negatively upon the character and appearance of the area.

Noise and disturbance

The mechanical plant is to be sited away from adjacent residential properties, although obviously the site does adjoin dwellings.

Hours of opening and deliveries

The hours of opening already approved are as follows:

Monday to Friday Start Time: 07:00. End Time: 23:00
Saturday Start Time: 07:00. End Time: 23:00
Sunday and Bank Holidays Start Time: 07:00. End Time: 21:00

These hours of opening accords with the extant permission on the site and it would be unreasonable to restrict the hours further, given this.

Highway safety

LCC Highways Officers have considered the proposals and raise no objection.

Other Matters

There is a tree located within highway land adjacent to the revised access. This would not be adversely impacted by the development.

The issue of late night drinking has been raised as an objection. The sale of alcohol is controlled by a licencing regime outside the planning regulations. In addition, any antisocial behaviour on the site would be a matter of management and control by the shop operator.

Issues of litter are controlled by the operator.

Matters around access for Fire appliances would not be a determining factor; the site is located on the existing highway network and it is not recognised that the use would result in traffic congestion or the blocking of the highway.

Conclusion

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.