

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0284-23 **Applicant:** Mr C Bond

Proposal: Change of Use from A1 to Pub/Wine Bar (A4 use), with managers residential accommodation at first floor level - approved under H16-0376-19. Modification of Condition 3 to allow extension of opening hours

Location: Oscars Spalding Ltd 32 New Road Spalding

Terminal Date: 29th May 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

Section 12 - Achieving Well Designed Places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

The application is a 73A modification, to alter condition 3 of H16-0376-19, relating to opening hours. Currently opening hours are 11am-12am Monday to Thursday, 11am-1am Friday and Saturday, and 11am-11pm on Sunday.

The proposal seeks to change the of opening hours to 8am-12am Monday to Thursday, 8am-1am

Friday to Saturday and 11am-12am Sunday.

Site Description

The application site is Oscar's bar. The site is within the town centre of Spalding, as outlined in the insert maps of the South-East Lincolnshire Local Plan, 2019 (SELLP). The site is also within the Spalding Conservation Area. As well as being within the Conservation Area, the building abuts a Grade II Listed building (number 8 and 9 Broad Street) and is opposite the Grade II Listed Methodist Church.

The area is commercial in nature, with a high prevalence of bars and hot-food takeaways in the immediate vicinity.

Relevant History

H16-0072-04 - Full. Reconstruction of office frontage incorporating alterations to design. Approved 26/02/04.

H16-0376-19 - Full. Change of Use from A1 to Pub/Wine Bar (A4 use), with Managers residential accommodation at first floor level. Approved 21/05/19.

Consultation Responses

Highway and Lead Local Flood Authority

"No objection. The proposed extension of opening hours would have no impact upon highway safety and therefore no objection is raised by the highway authority to the grant of Consent for this Application"

SHDC Environmental Protection

No objections

Lincolnshire Police

No objections

Planning Considerations

Design and Heritage

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. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. 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.

No external changes are proposed, the only change proposed is the change of opening times. The proposal will therefore have no impact upon the aesthetics of the area, the Conservation Area, or the nearby heritage assets.

The proposal therefore conforms to Policies 2, 3 and 29 of the SELLP in design terms.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The proposed variation in opening hours will have a limited impact upon residential amenity. Due to the town centre location, there is an assumed increased level of noise and foot traffic at all times of day. The bar opening earlier would not increase this level of noise and foot traffic by an

unacceptable level. The extension of one hour before closing time will also not have an unacceptable residential amenity impact, with the extended opening hours being in line with competitors.

The proposal therefore conforms to Policies 2 and 3 of the SELLP in terms of amenity impacts.

Supporting the Town Centre

Policy 25 of the SELLP encourages proposals that support the viability of Spalding town centre. The proposed change in opening hours will open new revenue streams for the business, allowing them to operate as a coffee shop in the morning and a bar in the evening. This should improve the viability of the business and therefore, ensure the viability of the town centre.

The proposal therefore conforms to Policy 25.

Planning Balance

The proposal will see no exterior changes; therefore, the heritage and design impacts are minimal. The proposal will have a minimal impact on residential amenity. The relevant consultees in the Environmental Protection have raised no objections, and therefore, the potential increase in noise and foot-traffic is considered acceptable. The consultees from the Police have also raised no concerns regarding the proposal.

The proposal will support the viability of Oscar's bar moving forward, ensuring that there is not another vacant unit in the town centre. Policy 25 ensures that proposals that enhance or maintain the town centre are to be supported.

There are no proposed changes in parking arrangements and therefore, the relevant consultee from the Highway's Department have raised no objections.

Conclusion

The recommendation is for delegated approval.

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.