DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0293-19**	**Applicant:**	**Blakemore Retail Ltd**
Proposal:	Erection of a single-storey retail unit - Class A1		
Location:	210 Winsover Road Spalding		
Terminal Date:	9th May 2019		

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

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 6 Building a strong, competitive economy
Section 7 Ensuring the vitality of town centres
Section 8 Promoting healthy and safe communities
Section 11 Making effective use of land
Section 12 Achieving well-designed places

Representations:

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

RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Erection of a single-storey retail unit - Class A1

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 2009, as mentioned below, and this development was commenced and is therefore extant.

History

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

Following conditions 4, 5 and 7 were appended.

No deliveries shall be taken at or dispatched from the site outside the hours of 0900 and 1700 other than two single daily deliveries in a light vehicle between 0700 and 0900 hours and such single deliveries shall be via the main entrance to the stores.

Reason: To safeguard the amenities of nearby residents.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan 2006

The shops hereby permitted shall not be open to customers outside the following times:
- 0700 and 2300 hours Mondays to Saturdays.
- 0700 and 2100 hours Sundays and Bank Holidays.

Reason: To safeguard the amenities of nearby residents.
This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

The compressor units shall be enclosed on all sides and noise from fixed plant and machinery shall not exceed a level equivalent to 30dB LA eq 5 minutes during the hours of 2200 and 0700 as measured at a height of 1.5 metres at any residential boundary.

Reason: To safeguard the amenities of nearby residents.
This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

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.

Following conditions 4, 5 and 6 were appended.

No deliveries shall be taken at or dispatched from the site outside the hours of 0900 and 1700 other than two single daily deliveries in a light vehicle between 0700 and 0900 hours and such single deliveries shall be via the main entrance to the stores.

Reason: To safeguard the amenities of nearby residents.
This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan 2006.

The shops hereby permitted shall not be open to customers outside the following times:
- 0700 and 2300 hours Mondays to Saturdays.
- 0700 and 2100 hours Sundays and Bank Holidays.

Reason: To safeguard the amenities of nearby residents.
This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

The compressor unit shall be enclosed on all sides as stated in section 8.1 of the report carried out by NSL accompanying the application and noise from fixed plant and machinery shall not exceed a level equivalent to 30dB LA eq 5 minutes during the hours of 2200 and 0700 as measured at a height of 1.5 metres at any residential boundary.

Reason: To safeguard the amenities of nearby residents.
This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan 2006.

Consultation Responses

LCC Highways & SUDS Support

The Highways Authority has no records of a material increase in vehicular movements in the vicinity of the site that could be used to evidentially substantiate a reason for withholding or restricting the grant of permission, by reason of the development being expected to cause a severe residual cumulative transportation impact.

The proposed access arrangements are substantially those that have been previously approved.

No objection, subject to a condition regarding drainage and an informative regarding the licencing of the alterations to the existing access point.

Cllr A M Newton

Has responded with the view that the application should go before committee, that 11pm is too late for closing in a residential area and has concerns regarding the tree in the highway adjacent to the site.

Third Parties

One objection received regarding late night traffic and possible disturbance to residents close by. Also encourage late night street drinking that is already apparent in the area.

Considerations

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.

The hours of opening proposed 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

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.

Mechanical plant is to be sited away from adjacent residential properties.

The building would be faced with Red facing brickwork under a monopitch roof structure of Metal composite roof sheets, with Aluminium framed shopfront screens. The store will sit on the north-west part of the site, adjacent to the store will be a surfaced level car parking area comprising 14 car parking spaces to include two disabled. Access to and egress from the car park will be from Carrington Road. HGVs will also enter from Carrington Road. This HGV servicing route has been previously agreed as part of the commenced planning permission.

The proposal incorporates an ATM which is a similar design to SPAR ATM design standard which has been installed in many locations throughout the country. Upon designing the scheme, careful consideration was given to the location of the ATM regarding ways to minimize visual impact.
The appearance of the new shop front is in keeping with the existing elevation. The proposed shop frontage will be in RAL 7037.

12 car parking spaces, covered cycle stands are also proposed to the front of the store to provide 10 bike spaces for both Staff and Visitors and a service space would be provided.

Around the edge of the car park fronting Winsover Road is an area of new landscaping 600mm wide with timber knee rail; consisting of 100x100x1200mm V-Top (bird mouth) posts and 100x100mm rails strapped to posts. The area is to be filled with bark chippings.

The proposal includes the installation of anti-ram bollards outside the new shop front for security purposes and manual telescopic bollards to the service area.

A 1800mm close boarded timber fence is proposed along the North-West and South-West boundary of the site. Adjacent to the building and neighbouring dwelling will be an area of bin storage and plant including the chillers and air conditioning units.

Noise and disturbance

The proposed development would be of a smaller footprint and would have a lesser impact on the area, given the reduction of potential use. 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 proposed 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 extent permission on the site and it would be unreasonable to restrict the hours further, given this.

Highway safety

LCC Highways Officers have considered the application 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.

Additional Considerations

Public Sector Equality Duty

In making your decision you 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 is only one factor that needs to be considered, and may be balance against other relevant factors.

It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making your decision, you 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.

You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission 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 interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

It is considered that the proposal is an acceptable redevelopment of this site for the reasons set out above.