Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764725
DC Officers 01775 764703

planningadvice@sholland.gov.uk
www.sholland.gov.uk

Calfordseaden LLP
Stewart Court
214a Hagley Road
Edgbaston
Birmingham
B16 9PH

TOWN AND COUNTRY PLANNING ACT 1990

FULL

Reference: H16-0323-24 **Date of Decision:** 4th June 2024

Applicant: One Stop Stores Limited
Apex Road
Brownhills
Walsall
WS8 7HU

Location: 39 Albert Street Spalding

Description: Change of use of part of the ground floor of the premises, to E(a) (Retail Sale of Goods), including alterations to the elevations and installation of new plant to the rear

South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):

1 Policy 27 of the South East Lincolnshire Local Plan, 2019 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 exceed the 100sqm floor space restrictions outlined in Policy 27. In any event, 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 underserved 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. Within a 1.5km radius is a supermarket, Spalding town centre and several other smaller local shops, all of which could be reasonably accessed via residents

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in the Albert Street area.

The proposal is therefore considered to be contrary to Policy 27 of the South East Lincolnshire Local Plan, 2019, and is unacceptable in principle. No evidence has been provided in support of the propsoal that adequately demonstrates a qualitative need to remedy a geographical deficiency.

2 The proposal would, by virtue of the increased footfall and intensification of the use of the site, have an unacceptable impact upon residential amenity via noise and generally disturbance. The impacts of this would be exacerbated by the potential late opening hours of the store.

The proposal is therefore considered to be contrary to Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 of the National Planning Policy Framework, December 2023.

Notes:

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

The determined plans are:

Application Form
B240004 B 101 A
B240004 B 201 B
Design and Access Statement, prepared by Calfordseaden, dated April 2024
Planning Statement, prepared by Calfordseaden, dated April 2024
Flood Risk Assessment, prepared by Calfordseaden, dated April 2024
Noise Impact Assessment, prepared by ADC Acoustics, dated 15th March 2024



Phil Norman
Assistant Director - Planning and Strategic Infrastructure
South Holland District Council

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

https://www.gov.uk/appeal-householder-planning-decision

https://www.gov.uk/appeal-planning-decision

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planning inspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**.

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in

giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under the order.

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.