DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0410-19**	**Applicant:**	**Mr Zagros Abdullah**
Proposal:	Alterations and extensions to outbuildings to form fruit shop and internal conversion of corridor space in existing general food shop to extend retail space - Approved Under H16-1250-16 - Modification of Condition 2 to allow amendments to previously approved plans		
Location:	4 Winsover Road Spalding		
Terminal Date:	12th June 2019		

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 2019

National Planning Policy framework (NPPF) February 2019

The NPPF constitutes guidance for Local Planning Authorities and decision takers both in drawing up plans and as a material consideration in determining applications.

Paragraph 11 - The Presumption in Favour of Sustainable Development

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

The proposal is for amendments to a previous approval for alterations and extensions to outbuildings to form fruit shop and internal conversion of corridor space in existing general food shop to extend retail space to the rear of a convenience store (formerly a pub). The application also

consists of a 2m high brick boundary wall to replace a broken wooden fence.

The new S73 application is for:

"Alterations and extensions to outbuildings to form fruit shop and internal conversion of corridor space in existing general food shop to extend retail space - Approved Under H16-1250-16 - Modification of Condition 2 to allow amendments to previously approved plans".

The building is a large 1-3 storey building on a large linear end plot, situated amongst busy roads and junction within the town centre.

History

H16-1250-16

Consultations

No objections/representations have been received.

There are no objections to the proposal either from residents or consultees.

Assessment

The proposal is considered to be acceptable and to have no material impact over and above the existing planning approval.

The design is acceptable and the boundary treatments improve the appearance of the area and give some protection from noise disturbance.

Windows and doors are appropriately sited and designed.

The additional impact in terms of increased noise, disturbance, potential overlooking, vehicular access upon neighbouring occupiers would be negligible and would not have an adverse effect on the character and appearance of the locality.

The alterations to the approved plans for the proposed fruit shop would be a small alteration to main building and does not compromise with the character and appearance of the building. Adjacent occupiers would not be materially or unacceptably detrimentally affected.

In light of the above considerations the proposal is considered to be in accordance with policies;

02 Development Management

03 Design of New Development

of the South East Lincolnshire Local Plan, 2019, as well as the National Planning Policy Framework, 2019.

It is recommended that the application be APPROVED under delegated powers.

Recommendation

APPROVE.

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 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 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 is considered to be a proportionate response to the submitted application based on the considerations set out in this report.