DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0430-22**	**Applicant:**	**A F Blakemore & Son**
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:	5th August 2022		

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

National Guidance

National Planning Policy Framework 2021

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 spaces

Representations:

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

WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

S73A CONTINUATION. 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 (variation of the external surfacing materials).

Block paving is to be substituted for tarmacadam in public areas and a service strip to the rear is to be laid in gravel. Areas of tactile paving are to be retained in accordance with the original permission.

Site Description

The site occupies a corner position with frontage onto Winsover Road and return onto Carrington Road and is included within the settlement limits of Spalding.

A single-storey, detached, retail food-store unit, with frontage parking and vehicular access off Carrington Road has been recently constructed in accordance with H16-0293-19 as amended by H16-0177-21. The approved retail use is now operational.

History

H16-0177-21. 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. APPROVED 13-04-21 and implemented.
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 - Class A1 APPROVED (Expired).

Consultation Responses

Welland & Deepings Internal Drainage Board

Have no comment to make.

Lincolnshire County Council

The Local Highway and Lead Local Flood Authority has concluded that the submitted details are acceptable and would not be expected to have an unacceptable impact upon highway safety. No objection is raised.

Third Party/Neighbour Representations

A site notice was posted on 30.05.2022. No representations have been received.

Planning Considerations

Amendment to the approved delopment has been necessitated due to supply shortage of previously specified and approved materials post commencement of development. The development has now been completed and the current application is consequently retrospective.

No amendments are proposed to the building.

All matters pertaining to the principle, context and details of development were established in accordance with H16-0293-19. Permission is hereby sought only for for minor changes to the specification of the approved ground surfacing materials to the car park, pedestrian footways, circulation and maintenance areas.

Planning considerations relate to the quality, appearance and suitability of the proposed replacement materials and whether the replacement materials would compromise surface water drainage.

The frontage of the building comprising car parking bays, vehicular manoeuvring and circulation areas and footways have been specified as dark grey coloured block paviours in lieu of a hot rolled tarmacadam surfacing, whilst the maintenance access to the rear of the building has been specified as gravel, also in lieu of tarmacadam.

All of the materials meet the required standard for permeable surfacing. The IDB has not objected and it is considered that a satisfactory standard of surface water drainage, would be maintained. As such SELLP Policies 2(7), 3(12) and 4(e) would be satisfied.

In design terms the materials are considered to be sympathetic in appearance and character to the context of the site and its surroundings and would be well integrated with the surrounding townscape. As such SELLP Policies 2(1), 3(1) and 36(4) would be satisfied.

Conclusion

The proposed amendments would not be detrimental to the appearance, character, surface water drainage or vehicular and pedestrian permeability through the site. The proposals comply with the provisions of the Development Plan specifically SELLP Policies 2, 3, 4 and 36 and are considered acceptable for the reasons set out above.

Additional Considerations

As this is a S73A application all conditions attached to H16-0293-19 as modified by this permission (Condition 2 Drawing numbers) are to be attached.

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 considered that the recommendation in this case will not 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 considered that the recommendation in this case would not interfere 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.