DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0576-19**	**Applicant:**	**Ms A Moldovan**
Proposal:	Permanent siting of catering trailer		
Location:	Land At Station Street Spalding		
Terminal Date:	31st July 2019		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
01	Spatial Strategy
02	Development Management
03	Design of New Development
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

Sections 12 and 16 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SPALDING CIVIC SOCIETY	1	0	0	0
SHDC INTERNAL	1	0	0	0
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an application for the permanent siting of a catering trailer on Land at Station Street, Spalding. The proposal seeks to provide a small trailer approximately 3 metres in length and 2 metres in depth to be sited on a triangular shaped area of land between buildings at the corner of Station Street and Sheep Market.

Site Description

The proposal is within defined settlement limits and Spalding Conservation Area. The surrounding area is characterised by buildings of varying ages and design. The area to the front of the site is bordered by concrete pillars with chains in-between. Walls border the site to the other sides.

History

H16-0805-03

New A1, A2 and A3 retail space with six two-bedroom flats over - Approved - 26 November 2003

H16-0694-11

Proposed unit for A1, A2 and A3 use with 6 two bed flats over - Approved - 04 September 2012

H16-0738-18

Erection of 12 apartments (use class C3) and a flexible commercial use at ground floor (use classes A1, A2, A3 or D1). - Refused - 19 November 2018 - Appeal Received

Consultation Responses

Members of the public

Objections

Parking and highway safety.
Out of keeping.
Prominence of refuse storage
Litter

Lincolnshire County Council - Historic Environment Officer

Objection

Not in accordance with local and national policy
Detracts from the character of the area.
If authority is minded to approve the proposal, recommends a temporary permission.

South Holland District Council - Conservation Officer

Objections

Would harm the character of a prominent, roadside location on a busy street in the conservation area.

Spalding Civic Society

Objections

Impact on the conservation

Need (Carries minimal planning weight)
Area should be used as a park (Carries minimal weight as the Local Planning Authority can only address the application at hand).

County Highways & SUDS Officer

No objections.

Licensing

No objections.

Planning Considerations

Parking / highway safety
Refuge storage / litter
Temporary permission
Impact on conservation area and assessment against policy.

They are already a number of hot food takeaway premises in the vicinity of this site so it is not expected that unsafe and illegal parking will occur in the vicinity of this site. There is plenty of allocated street parking available nearby. In addition no part of submitted proposal is immediately adjacent to the internal bend of the adjacent highway, so visibility around the bend would not be considered to be materially affected. The County Highways & SUDS Officer has no objections to the proposal.

The prominence of refuse storage bins would be of detriment to the visual amenity of the area but given that there are other similar bins in the immediate vicinity it would not set a precedent. However, that would not justify an increase in the number of such bins, negatively impacting the character of the surrounding area whether or not they are sheltered. In addition

The proposed catering trailer is sited at the corner of a visually prominent location in Spalding Conservation Area. The installation of paving slabs and outside table and chairs is not considered to visually improve the character of the surrounding area. To allow such a development on a temporary basis would set a detrimental precedent that open up the Local Planning Authority to similar applications or the further extension of the temporary permission.

In response to a request from the Historic Environment Officer, the applicant has submitted a Historic Environment Statement seeking to address conservation area impact concerns. The Historic Environment Officer and the Local Planning Authority are not of the belief that the report convincingly demonstrates how the proposal will maintain or raise the character of Spalding Conservation Area.

Policy 25 of the South East Lincolnshire Local Plan (SELLP) is titled "Supporting the vitality and viability of Boston and Spalding Town Centres." Criteria points 2 and 7 of the Policy are of particular relevance to the proposal.

"The Councils will promote appropriate opportunities to support and extend the offer of town centres as destinations through the following:

2) Enhancing existing sites and ensuring changes to premises have regard to the significance of heritage assets and the special interests of the Conservation Areas and their settings.

7) Encouraging opportunities to support temporary uses in vacant premises in the primary shopping areas."

With regard to criterion 2, the proposal is not considered to maintain or enhance the special interests of the Spalding Conservation Area. A catering trailer in this location would be an incongruous feature that would detract from the overall historic built character of buildings in the vicinity. An unused space does not necessitate the need for any form of development on a site, especially if it is of a design that does not respect the setting of the surrounding area. Criterion 7 could be a consideration the applicant may point to, however it is not of relevance as the site is outside the primary shopping area of Spalding and does not constitute the use of a vacant premises.

Section B contained within Policy 29 of the SELLP concerns Conservation Areas within the wider policy addressing "The Historic Environment." Section B states:

"Proposal within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should:

1) Retain buildings / groups of buildings, existing street patterns, historic building lines and ground surfaces;

2) Retain architectural details that contribute to the character and appearance of the area;

3) Where relevant and practical, remove features which are incompatible with the Conservation Area;

4) Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;

5) Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape;

6) Aim to protect trees, or where losses are proposed, demonstrate how such losses are appropriately mitigated against."

Assessing the application against the above six points, the proposal does not respect existing street patterns, historic building lines or ground surfaces. The proposal will add features which are incompatible with the Conservation Area and not reinforce local distinctiveness.

Conclusion

In light of the above considerations the proposal is considered not to be in accordance with Policies 1, 2, 3, 25 and 29 of the South East Lincolnshire Local Plan, 2019, as well as Section 12 and 16 of the National Planning Policy Framework, 2019.

A delegated refusal is considered to be appropriate.

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 to refuse permission 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 to refuse 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 public interest and the recommendation to refuse permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.