DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0729-22**	**Applicant:**	**Mr B M Amin**
Proposal:	Installation of ATM Machine - Retrospective		
Location:	13 Winsover Road Spalding		
Terminal Date:	16th September 2022		

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
26	Primary Shopping Frontages
28	The Natural Environment
29	The Historic Environment

National Guidance

National Planning Policy Framework 2021

National Planning Policy Framework (NPPF, 2021)

Section 2: Achieving sustainable development
Section 4: Decision-making
Section 12: Achieving well-designed places
Section 16: Conserving and enhancing the historic environment

Planning Practice Guidance

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SPALDING & DISTRICT CIVIC SOCIETY	1	0	0	0
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an application for the installation of an ATM machine at 13 Winsover Road, Spalding. The application is retrospective with the development having been completed 15th May 2022.

Site Description

The site currently operates as a convenience store on the south-side of Winsover Road. The existing property is white painted brick with a ground floor bay with decals on the windows and external walls. The dominant character of the surrounding area is commercial. The site is located within the Spalding Town Centre and is approximately 50m west of the Spalding Conservation Area.

History

H16-0730-22 - Shop Front Stickers/Signage - Retrospective - Pending Consideration.

Consultation Responses

Lincolnshire County Council Highway Authority and Lead Local Flood Authority
No objections.

Spalding Civic Society
Object to the proposal.

Lincolnshire Police
Have no objections to the proposal.

Planning Considerations

Principle

The site is located within the settlement boundary and Town Centre boundary of Spalding, which Policy 1 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) identifies as a Sub-Regional Centre where development will be permitted that supports its role as such. Given the proposal seeks retrospective approval for the installation of an ATM machine on an existing commercial premises within a Town Centre location, the principle of development is considered to be acceptable.

Design and Heritage

The site is located approximately 50m west of the Spalding Conservation Area and concerns have been raised by Spalding Civic Society in regards to the impacts of the proposal on the setting of the Spalding Conservation Area.

Policy 29 of the South East Lincolnshire Local Plan states that proposals affecting the views into or out of a Conservation Area should preserve features that contribute positively to the area's character, appearance and setting.

Given the curvature in the highway of Station Road leading into Winsover Road, the intervisibility between the Spalding Conservation Area and the development would be limited in such a way that the proposal is considered to preserve the character, appearance and setting of the Conservation Area. Furthermore, the siting of an ATM, of typical scale and design on a commercial property within a town centre is not uncommon feature and therefore would not detrimentally impact the character or appearance of the streetscene or wider area.

Other Matters

Given the scale and nature of the proposal, the application is not considered to have any impacts on flood risk, residential amenity or highway safety.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed ATM is considered to be acceptable in principle and would not result in any detrimental impacts on the character and appearance of the streetscene, surrounding area or the Spalding Conservation Area. There are no other planning matters that indicate planning permission should not be granted. The proposal is therefore considered to be in accordance with Policies 1, 2, 3, 25, 26, 28 and 29 of the South East Lincolnshire Local Plan, 2019 as well as the guidance within the National Planning Policy Framework (NPPF, 2021).

Conclusion

Approve.

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