

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0732-22 **Applicant:** Schroder Real Estate Investment Management Ltd.

Proposal: External alterations to front elevation of units D and E and internal alterations.

Location: Units D & E Winfrey Avenue Spalding

Terminal Date: 15th September 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development

National Guidance

National Planning Policy Framework 2021

NPPF 2021

Section 12 - Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application seeking permission for proposed external alterations to the front elevations of Units D and E, including internal alterations at Units D & E, Winfrey Avenue, Spalding.

Site Description

The retail units are vacant and were formally occupied by Marks & Spencer Simply Food (unit D) and The Carphone Warehouse respectively (unit E). The site is within the town centre of Spalding and is characterised by a retail park, neighbouring another retail park to the west.

History

H16-0702-22. Use of units into single unit for Pets at Home for retail store along with ancillary pet grooming salon and a Vets4Pets veterinary service. Approved on 25-07-22.

H16-1458-03- Demolition of petrol filling station and erection of single-storey retail unit. Approved on 17-02-04.

Consultation Responses

No consultation responses received.

Planning Considerations

Policy 2 (Development Management) of the South East Lincolnshire Local Plan (2019) (SELLP) sets out the expectation that new development should reflect the principles of good design.

Policy 3 (Design of New Development) of the SELLP requires development proposals to demonstrate how the following issues will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
6. the lighting of public places;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;

Policy 30 (Pollution) of the SELLP states that development proposals will not be permitted where, taking account of any proposed mitigation measures, they would lead to unacceptable adverse impacts upon:

1. health and safety of the public;
2. the amenities of the area; or
3. the natural, historic and built environment; by way of:
6. light levels

Highway safety

No objections have been raised to the proposed alterations, as such, it is not considered that it would create a highway safety issue.

Amenity

The site is located within a predominantly retail area where there are numerous examples of retail units like this. The proposal seeks to amalgamate the two units into one single retail unit to be occupied by Pets at Home. On the basis that two entrances will no longer be required, it is proposed to amend the existing entrance to Unit E and replace the glazing and frames partly with a roller shutter and red brick infilling to match the existing as shown on drawing no. 6659-10. Furthermore, against the backdrop of other large retail units, it would not likely have a material visual amenity impact. There are no residential properties close by to be impacted.

Planning Balance

The proposed new elevations would relate to the business and is acceptable on visual amenity and highway/public safety grounds. There are no issues that outweigh factors in favour of the proposal.

Conclusion

The proposal is considered to be in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019, as well as relevant guidance in the National Planning Policy Framework, 2019.

The recommendation is therefore that consent be granted.

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.