

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0850-22 **Applicant:** Sainsburys Supermarkets Ltd

Proposal: Retention of Retail Pod (Use Class E (A))

Location: Timpson Pod Sainsbury'S Holland Market

Terminal Date: 20th October 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

- 01 Spatial Strategy
- 02 Development Management
- 03 Design of New Development

National Guidance

National Planning Policy Framework 2021

- 6 - Building a strong, competitive economy
- 12 - Achieving well-designed places

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for retention of Retail Pod (Use Class E (A)) at Timpson's, Sainsbury's, Holland Market, Spalding. The proposal seeks to retain the existing pod for a further temporary period. The pod is constructed from horizontal timber cladding, a single ply membrane roof and have a fully glazed sliding automatic door. The pod measures 6.55 metres in width, 2.65 metres in depth and 2.58 metres in height.

The opening hours of Timpson's are 09:00 to 18:00 Monday to Saturday and 10:00 to 16:00 on

Sundays and Bank Holidays. The business has two employees.

SITE DESCRIPTION

The pod is sited immediately to the north east of the Sainsbury's supermarket and the surrounding area is characterised by car parking to the north, east and west, with retail units to the south. The pod is in Environment Agency Flood Zone 3 and is not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H16-1056-16

Full - Installation of Timpson's pod within customer car park - Refused - 16 January 2017 - Allowed on appeal - 27 June 2017.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

No objections.

PLANNING CONSIDERATIONS

Principle of development

The principle of development on this site was established under previous permission H16-1056-16 following an appeal. Provided the building is in good circumstances and the impact on the surrounding area is not considered to be material then the principle of development is considered to remain for a further five years due to the temporary construction nature of the pod.

Assessment against SELLP Policy 2 - Development Management

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout is commensurate with the use and hasn't altered since the previous approval. No trees will be removed to facilitate this proposal. The character and appearance of the area isn't materially harmed by retention of the pod for a further five years.
2. The design is that of a standard flat roofed pod and the orientation best facilitates entry and exit without disturbing surrounding uses.
3. The pod is constructed from horizontal timber cladding, a single ply membrane roof and have a fully glazed sliding automatic door.
4. Access and vehicle generation levels will not be impacted by retention of the pod.
5. The capacity of existing community services and infrastructure will not be impacted by this proposal.
6. Due to the location and nearby uses there is not a noise, odour, disturbance or visual intrusion impact from the proposal.
7. The pod is in Environment Agency Flood Zone 3 and is not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout is commensurate with the use and hasn't altered since the previous approval. No trees will be removed to facilitate this proposal. The character and appearance of the

area isn't materially harmed by retention of the pod for a further five years.

4. The pod is within two minute's walk of Spalding bus station as well as Spalding train station.

6. Due to the location and nearby uses there is not a noise, odour, disturbance or visual intrusion impact from the proposal.

7. The pod is in Environment Agency Flood Zone 3 and is not subject to increased hazard or depth on the 2115 South Holland Strategic Flood Risk Mapping.

This application accords with SELLP Policy 3.

PLANNING BALANCE

The building remains in good condition and has not had a material impact on the character and amenity of the surrounding area. Temporary permission for a further five years is considered appropriate for the site. This application is considered to accord with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019, as well as Sections 6 and 12 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for approval.

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.