DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H22-0408-22**	**Applicant:**	**Mr V Odedra & Mrs B Khunti**
Proposal:	Extension to shop/retail including change of use of land, extension to dwelling, change of use of part of dwelling to shop/retail and re-positioning of shop entrance		
Location:	1 Small Drove Weston Spalding		
Terminal Date:	7th June 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
27	Additional Retail Provision
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12. Achieving Well-Designed Places
Section 16. Conserving and enhancing the historic environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

The application seeks full planning permission for an extension to shop/retail unit including change of use of land, front extension to dwelling, change of use of part of dwelling to shop/retail and re-positioning of shop entrance.

SITE DESCRIPTION

The site is located on the corner of High Road and Small Drove and is currently a shop/post office, plus associated residential. Semi-detached houses are situated to the west (nearest nos. 102 and 104 High Road) and a detached house to the south. St Mary's Church (grade I listed) is situated to the north-west on the opposite side of High Road, plus a number of grade II listed monuments and a lych-gate.

RELEVANT HISTORY

H22-0263-18 - Change of use to fish and chip take-a-way - approved under H22-1014-17 - Modification of Condition 2 to allow amendments to previously approved plans - Approved

H22-1014-17 - Change of use to fish and chip take-a-way - Approved

H22-0790-15 - Change of use of garage including extension to fish and chip shop takeaway - Approved

CONSULTATION RESPONSES

SHDC

No objections.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

PLANNING CONSIDERATIONS

Principle of development

The site is within the defined settlement boundary of Weston and the proposed works would relate to the existing dwelling and retail unit on the site therefore the principle of development is acceptable.

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 key material considerations are addressed below.

Character/Appearance

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 197 of the NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. Policy 29 of the SELLP states that development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets including

conservation areas.

The site is located opposite to and in close proximity to a listed building (St Marys Church), however, in this instance a heritage impact assessment is not considered necessary given the location of the proposed extension in relation to the listed building. No unacceptable impact is considered to result on the setting of the listed building.

The proposed rear extension would not be visible from the public realm as it would be blocked by the existing building therefore it would not have any unacceptable impact on the street scene. The proposed front extension has a minor footprint and sympathetic in design and external materials therefore this element is not considered to unacceptably impact the site or the wider area.

The other alterations are minor and are not considered to unacceptably change the overall appearance of the site.

As such the development is considered acceptable in terms of its impact on the character of the existing site and the nearby listed buildings and therefore accords with Policies 2, 3 and 29 of the SELLP and the Sections 12 and 16 of the NPPF.

Retail Provision

Part B of Policy 27 of the SELLP relates to convenience goods floor space and advises that extensions which would take existing shops in underserved areas up to a maximum of 500m2 to improve their viability will be permitted. As such the proposed shop extension is considered acceptable in this location.

Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The proposed extensions would be single storey and given the limited footprint, height and relationship with neighbouring properties no unacceptable impact is considered to result in terms of overbearing impact, unacceptable overshadowing or overlooking/loss of privacy.

With regards to change of use of part of the existing dwelling on the site to a shop/retail and re-positioning of shop entrance, this again is not considered to unacceptably impact neighbouring amenity given it involves alterations to the existing shop.

The proposal therefore satisfactorily accords with Policies 2 and 3 of the SELLP in this respect.

Highway Safety

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. The proposal would not impact the existing parking arrangements for the site nor would it increase the parking requirement for the site.

The County Highways Authority has not objected to the scheme as the proposal is to extend the existing village shop, so that it is better able to serve the growing population of Weston. Whilst no extension of the shop car park is being proposed, the principal users of the shop are more likely to be village residents who would reasonably be able to visit on foot or by cycle. Some peak-period demand may result in a degree of on-street car parking, along High Road, but since the construction of the Weston by-pass, this road carries considerably fewer vehicles and some short-term on-street car parking here would not be expected to materially impact upon highway safety.

The proposals are therefore not considered to result in unacceptable impact upon highway safety, in accordance with Policies 2, 3 and 36 of the SELLP.

Planning Balance

The proposal will not materially harm the character or appearance of the locality and conservation area, the amenity of nearby residents, retails impacts or result in parking/highway implications. The

planning balance is therefore considered to be in favour of the proposal.

Conclusion

For the reasons listed above, this application is considered to be in accordance with Policies 1, 2, 3, 27, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 16 of the National Planning Policy Framework (2021).

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.

RECOMMENDATION

The application can be approved under delegated powers.