

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H02-0026-20 **Applicant:** Mr T King

Proposal: Change of use of ground floor from A4 to A1 at front and C3 to the rear to form self-contained unit

Location: Trinitys Wine Bar 2 West Street Crowland

Terminal Date: 19th March 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
11	Distribution of New Housing
17	Providing a Mix of Housing
26	Primary Shopping Frontages
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 5 - Delivering a sufficient supply of homes
 Section 7 - Ensuring the vitality of town centres
 Section 12 - Achieving well-designed places
 Section 16 - Conserving and Enhancing the Historic Environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	1	0

SHDC INTERNAL	0	0	0	1
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CASE OFFICER ASSESSMENT

Proposal

This full planning application is for the change of use of the shopping frontage of 2, West Street, Crowland from A4 to A1 and of the rear of the ground floor from A1 to C3, forming a self-contained residential flat. No external alterations are proposed as a part of this application.

Site Description

The proposal site sits at the very centre of Crowland, within both the primary shopping area (PSA) and the Crowland Conservation Area (CCA). Additionally, the building is within close visual proximity of the highly significant and grade I Listed Trinity Bridge. The building itself is of Victorian design and is prominent in the area, not only because of its location, but also due to its visually prominent facade with glazed tiles painted green.

The building has two current uses, the ground floor is A4 use, having most recently been used as a wine bar (although this use ended several years previously. The 1st floor is already C3 residential in nature.

History

H02-0477-14

Change of use from A1 to A4 to allow premises to trade as a wine bar. REFUSED on 24/07/2014. ALLOWED AT APPEAL on 27/01/2015.

H02-0674-15

Details of protection of flat roof above premises from noise and storage and disposal of waste (Conditions 3 and 5 of H02-0477-14) approved on appeal. APPROVED on 10/08/2015.

Consultation Responses

Crowland Parish Council

Supports the application as a return of business to the property.

North Level Internal Drainage Board

No comments

South Holland District Council Environmental Protection Officer

No objections

Lincolnshire County Council as Lead Local Highways and Flood Authority

No objections.

Planning Considerations

Principle of Development

Change from A4 to A1 is covered on a temporary basis by permitted development, as defined by

Schedule 2, Part 3, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. This application is seeking to formalise the new A1 use as the permanent use of the site. With regards to the rear, ground floor change of use to C3 from A4 - from the plans it is clear that loss of this A4 space would not damage the viability of the remaining commercial space to operate as an A1 unit, and the change of use would actually not reduce the existing front of house, therefore not diminishing the scale of the A1 shopping frontage.

For the above reasons, and because the proposals retain A1 use class shop frontage within the Primary Shopping Frontage, in line with Policy 26 of the South East Lincolnshire Local Plan (2019). it is deemed that the principle of development in this case is acceptable.

Heritage Impact

Whilst it is appreciated that the building is within the Crowland Conservation Area and adjacent to highly important Listed buildings, there is no external visual amendment proposed to the host property. Therefore, due to the lack of impact caused by these proposals, they are be considered to CONSERVE the historic environment.

Shopping Frontages

The property sits within the Primary Shopping Frontage (PSF) of Crowland. The site has been a vacant commercial site for a protracted period of time. A1 use is considered to be the primary function of the PSF and as such, this change of use is appropriate. Additionally, as the site has been vacant for a lengthy period, finding an alternative and viable use is deemed to enhance the viability of the town centre. Furthermore, the conversion of the rear 'back-of-house' section from A4 to C3 would not make the proposed A1 use unviable and will not reduce the size of the commercial frontage.

Vehicle and Cycle Parking

These proposals include no designated parking. However, given the town centre location of the proposed residential unit and the abundance of public parking space in close proximity along West Street, it is possible to see this site as a potential car-less development. Additionally, the Lincolnshire County Council lead highways authority has commented, raising no concern with this. Furthermore, the proposals include a cycle storage area to the rear which will provide transport provision for the residents.

Refuse Storage

These proposals include provision for a refuse storage area to the rear of the property.

Conclusion

For the reasons listed above, this application is deemed to be in concordance with policies 1, 2, 3, 11, 17, 26, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) and Sections 5, 7, 12 and 16 of the National Planning Policy Framework (2019). Therefore, 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.