DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H04-0663-22**	**Applicant:**	**Mr E Finch**
Proposal:	Change of use from bed & breakfast to domestic dwelling - retrospective		
Location:	Browntoft House 2 Browntoft Lane Donington		
Terminal Date:	1st September 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
01	Spatial Strategy
03	Design of New Development
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12- Achieving well designed places.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application, seeking permission for a proposed change of use from a bed and breakfast to a domestic dwelling, at the property of Browntoft House, 2 Browntoft Lane, Donington.

Site Description

The detached 18th Century Georgian white painted property is located within the defined settlement of Donington and is situated within the Donington Conservation Area. The 7 bedroom bed and

breakfast property sits on a spacious plot, with a large rear garden. The front of the dwelling fronts the playing field and the junctions to the south.

The property has a large gravelled driveway to the east of the site, with ample car parking and a large detached garage. There is a small grassed garden to the front of the property, with a small brick and gate with mature shrubs as the boundary treatment.

The surrounding dwellings are also sited on spacious plots, and are a variety of ages and designs.

History

H04-0383-03- FULL- Approved on 13-05-03- Change of use from residential care home to domestic house.

H04-0240-04- FULL- Approved on 12-05-04- Change of use of domestic property to bed and breakfast.

H04-1041-04- FULL- Approved on 21-09-04- Alterations including reinstatement of window to rear elevation.

Consultation Responses

None received.

Planning Considerations

Principle of Development

According to Policy 1 in the SELLP (2019), Donington is classed as a Main Service Centre where development will be permitted that supports its role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities.

The property was formerly a residential dwelling after it was changed from a residential care home in 2003 (H04-0383-03) and then to a bed and breakfast in 2004 (H04-0240-04). No changes are proposed to the exterior and the internal layout would remain as existing. The property is currently on the market as a 7 bedroom property, with three living rooms, 2 kitchens and two dining rooms.

Overall it is considered acceptable to change the use from a bed and breakfast facility and to restore it to a residential dwelling. It would, therefore, accord with Policies 1, 2 and 3 in the SELLP, 2019 and the NPPF, 2021 in terms of the character and layout of the residential use of the property.

Residential 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 change of use is considered to reduce the impact on neighbouring amenity in terms of noise and traffic as the proposed single dwelling would result in a less intensified use of the property.

No new door/window openings are proposed therefore no new overlooking would result.

As such the proposal is not considered to result in any unacceptable impact on neighbouring amenity therefore it complies with policies 2 and 3 of the SELLP.

U]Flood Risk

The site is located within flood risk zone 1, therefore, the application does not propose any flood risk mitigations. As the building has already been converted and has been used as a bed and breakfast for a number of years no further flood risk measures are considered necessary.

Parking Provision

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision. 3 no. car spaces must be provided within the curtilage for dwellings with more than 3 no. bedrooms. The gravelled driveway and detached garage within the curtilage is clearly sufficient to accommodate these cars and enter and egress in a safe and forward manner.

Therefore, the proposals will ensure appropriate car parking provision and comply with Appendix 6 of SELLP 2019.

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 change of use from a Bed and Breakfast to a residential dwelling is considered acceptable in principle and will not materially harm the character or appearance of the locality or amenity of nearby residents. It is therefore considered to be in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Conclusion

The recommendation is therefore for a delegated 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.