

DECISION DELEGATED TO DEVELOPMENT MANAGER
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Application No:	H11-0033-20	Applicant:	Mr V Odedra
Proposal:	Change of use from A3 to A1 (Retrospective)		
Location:	25 Market Place Long Sutton Spalding		
Terminal Date:	16th March 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
26	Primary Shopping Frontages
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

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	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

<u>CASE OFFICER ASSESSMENT</u>

Proposal

This full planning application is for the retrospective change of use from A3 (Food and Drink) to A1 (Retail). This proposal includes no external alterations to the property.

Site Description

The proposal site is located within both the Long Sutton Conservation Area (LSCA) and the Primary Shopping Frontage of Long Sutton.

The site's position within the LSCA is highly prominent, being in extreme adjacency to the Grade I listed St Mary's Church and grade II listed pump and telephone kiosk, and being along the locally significant Market Street which is both one of the main thoroughfares through the town and also the primary shopping area of the town. All of these factors contribute towards making this location perhaps the most prominent within the LSCA, being one of, if not, the most significant community focal points in the town.

The host property itself is not of any historic or architectural merit, being a fairly unremarkable late C20th former bank, built of brick with timber frame windows, and a slate tile mansard roof. The area surrounding the property is characterised by commercial properties, largely of Victorian and Edwardian design as well as the Church and Churchyard to the rear.

History

H11-0708-15

Proposed works to form a secure ATM room including new access door, upgrading ATM and construction of internal secure servicing. APPROVED on 30/09/2015

H11-0252-17

Change of use from A2 Class to A3 Class. APPROVED on 03/05/2017

Consultation Responses

Lincolnshire County Council as Lead Local Highways and Flood Authority

No objections and does not wish to restrict the granting of planning permission.

South Holland District Council Environmental Protection Officer

No objections

Planning Considerations

Principle of development

Change from A3 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. For the above reason, 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 the site is within the Long Sutton Conservation Area and nearby to several particularly significant listed buildings and structures, no proposed amendments are made to the exterior of the property by this application and therefore the proposals must be considered to CONSERVE the historic environment, due to the lack of an impact created by the proposals.

Shopping Frontages

The property sits within the Primary Shopping Frontage (PSF) of Long Sutton. The site has been a

vacant commercial site for several months. 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.

Conclusion

For the reasons listed above, it is determined that this application is in accordance with Policies 1, 2, 3, 26 and 29 of the South East Lincolnshire Local Plan (2019) and Sections 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.