DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-1069-21**	**Applicant:**	**Mrs M Richmond**
Proposal:	Change of use from chiropody clinic/residential to solely residential - retrospective		
Location:	Coronation Cottage 39 West Street Long Sutton		
Terminal Date:	15th December 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 5 - Delivering a sufficient supply of homes
Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application seeking retrospective permission for the change of use of the ground floor from chiropody clinic back to a single residential dwelling.

SITE DESCRIPTION

The site is within defined settlement limits of Long Sutton, within the Conservation Area. The property is located on the corner of The Chase and West Street. Access to the site is off West Street. The immediate area is primarily residential. The building is within Environment Agency Flood Zone 3.

HISTORY

H11-0188-06 - Change of use of ground floor to Chiropody Clinic - Approved

H11-1528-05 - Erection of detached single garage - Withdrawn

H11-1063-05 - Residential Development - Erection of one dwelling - refused

H11-1379-03 - Erection of single-storey dwelling, including means of access - Refused

H11-0927-93 - Details of screen fencing (Conditions 8 & 9 of application H11/0255/93) - Approved

H11-0255-93 - Erect 19 two bedroomed bungalows for the elderly - Approved

CONSULTATION RESPONSES

Resident

One letter of representation has been received raising no objections to the proposal.

PLANNING CONSIDERATIONS

Principle of development

This proposal to convert the ground floor of the building back to its original use as a single dwelling is considered acceptable as the site is within the defined settlement limits of Long Sutton. As such the principle of the proposed development is considered acceptable subject to other material considerations discussed below.

Character/Appearance

No external alterations are proposed. The change of use would not harm the character or appearance of the building or rural locality. It would not affect the character of the Long Sutton Conservation Area.

The proposal therefore satisfactorily accords with Policies 2, 3 and 29 of the SELLP in this respect.

Residential Amenity

The proposed use would be less intensive and have less of an impact upon the occupiers of nearby residential property in terms of noise, general disturbance, lack of privacy, etc.

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

Parking

The proposal would return the building back to a single dwelling therefore the proposal would result in a less intensive use of the site in terms of vehicle movements. As such the scheme is considered to be acceptable on parking grounds.

Flood Risk

The application is for a change of use. Paragraph 168 of the National Planning Policy Framework, 2021 indicates that such applications should not be subject to the sequential or exception tests, but should still meet the requirements of a site-specific flood risk assessment.

In this case, the site is located within Flood Zone 3 of the Environment Agency's Flood Maps, however, the proposal involves returning the ground floor of the building back to its original use as a single domestic dwelling. As such there is the ability for first floor refuge from any potential flood water ingress. As such no further flood risk measures and considered necessary.

Given the above, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk.

PLANNING BALANCE

The proposal will not materially harm the character or appearance of the locality, amenity of nearby residents or result in flood risk or highway implications. The planning balance is therefore considered to be in favour of the proposal.

CONCLUSION

In light of the considerations above, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 10, 11, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 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.