DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0891-21**	**Applicant:**	**Mr S Beecham**
Proposal:	Change of use of bakery to residential - to be part of existing dwelling		
Location:	Shop And Premises 46 Knight Street Pinchbeck		
Terminal Date:	15th October 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
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Sections 5, 12 and 14 of the National Planning Policy Framework (2021)

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

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application the change of use of a bakery to residential at 46 Knight Street, Pinchbeck. The upper floor of the building will remain unaltered and contain four bedrooms, an en-suite and a bathroom. At ground floor level, the proposal seeks to provide a kitchen, dining room, lounge, bedroom, study, games room, storage, utility and a wc. There are no external alterations proposed at ground floor level.

SITE DESCRIPTION

The site is within defined settlement limits, in Pinchbeck Conservation Area, and the surrounding area is characterised by buildings of varying ages and designs. The building is within Environment Agency Flood Zone 3, and in a "Danger for Most" hazard area, with a maximum predicted flood depth of 0.5 metres on the footprint of the building, with a depth of 1 metre in the yard area to the south of the dwelling on the 1% 2115 South Holland Strategic Flood Risk Mapping. The submitted FRA incorrectly states that the maximum predicted flood depth for the building is 0.25 metres.

HISTORY

H14-0259-83

Full - Proposed Alterations and Extensions - Approved - 06 May 1983.

H14-1083-99

Full - Extension to shop and bakery - Approved - 14 January 2000.

H14-0736-20

Full - Conversion of shop premises into 1 three bed house and 1 four bed house - Approved - 16 December 2020.

CONSULTATION RESPONSES

LCC - County Highways & SUDS

No objections - "The proposed change of use is effectively the conversion of the existing shop premises to form a five bedroom dwelling from the existing four bedroom, albeit with some material changes in the internal layout. Therefore, the change of use would not be expected to have a detrimental impact in highway road safety or
traffic, as there would be betterment in terms of parking provision for residential rather than business use.
Therefore, in conjunction with the above and the fact that the Highway Authority nor the Local Planning Authority do not have parking standards, this does not actually make the proposed development unacceptable and be of insufficient grounds to resist or refuse this application."

SHDC - Environmental Protection Officer

No comments or objections.

Pinchbeck Library & Community Hub

- Knight Street is a busy road and is congested mid morning and mid afternoon.
- Increase in traffic as a result of the proposal.
- Increase in number of accidents.
- Visitors may park at the Pinchbeck Community Hub and Library.

- Economic impact on businesses due to loss of parking spaces.
- If approved, the dwelling may be used as a House of Multiple Occupancy in the future.

Pinchbeck Parish Council

Supports.

Member of the public - 1 - Objections

Concern re parking on the road.

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled Main Service Centres. This section of the policy states:

"Within the settlement boundaries of the Main Service Centres (as shown on the Inset Maps) development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities."

When assessed against the above criteria it is considered that the proposal will help to support existing businesses in the area and will increase the available housing provision required for Pinchbeck under the South East Lincolnshire Local Plan, 2019.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:
1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout of the building is not being altered externally. As there are to be no external alterations, then it is not considered that the character and appearance of the surrounding area will be materially altered by a change of use to a residential dwelling.

2. The design and orientation of the building will not be altered. The internal ground floor layout is not considered to impact the functioning of the building as a dwelling.

3. The proposal retains the existing building, so sustainable materials and resources are not required.

4. There is no vehicular access to the building and vehicle generation levels are considered to be reduced by virtue of the change of use. Objections have been received as to the loss of on street parking places for business use, however, it has never been the case that the street has been predominantly business led. There has always been a mix of residential and business uses along Knight Street. The County Highways & SUDS Officer has made the following comments: "The proposed change of use is effectively the conversion of the existing shop premises to form a five bedroom dwelling from the existing four bedroom, albeit with some material changes in the internal layout. Therefore, the change of use would not be expected to have a detrimental impact in highway

road safety or traffic, as there would be betterment in terms of parking provision for residential rather than business use. Therefore, in conjunction with the above and the fact that the Highway Authority nor the Local Planning Authority do not have parking standards, this does not actually make the proposed development unacceptable and be of insufficient grounds to resist or refuse this application."

5. Existing community services and infrastructure are not materially impacted by the proposal.

6. There is considered to be a reduction in noise, disturbance, odour and visual intrusion, as the intensity of site use is reduced by the change of use. No new or altered windows are being provided at first floor level, so there is not an increase in potential for overlooking.

7. The building is within Environment Agency Flood Zone 3, and in a "Danger for Most" hazard area, with a maximum predicted flood depth of 0.5 metres on the footprint of the building, with a depth of 1 metre in the yard area to the south of the dwelling on the 1% 2115 South Holland Strategic Flood Risk Mapping. The submitted FRA incorrectly states that the maximum predicted flood depth for the building is 0.25 metres. It is considered that the proposal could not be realistically achieved by internally raising finished floor levels. Additionally, as the change of use is for a single dwelling, then there is the ability for first floor refuge from any potential flood water ingress.

8. There is not considered to be an impact on the Pinchbeck Conservation Area or at 46 Knight Street, as the exterior of the building will not be altered.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. Design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.
Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:
1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

When assessed against the above relevant criteria the following can be observed:

1. The size, scale and layout of the building is not being altered externally. As there are to be no external alterations, then it is not considered that the character and appearance of the surrounding area will be materially altered by a change of use to a residential dwelling.

4. The proposal is near to a bus route and local services and businesses can be visited on foot.

5. There is adequate room to the rear of the building for storage of bins and bicycles.

11. There is considered to be a reduction in noise, disturbance, odour and visual intrusion, as the intensity of site use is reduced by the change of use. No new or altered windows are being provided at first floor level, so there is not an increase in potential for overlooking.

12. The building is within Environment Agency Flood Zone 3, and in a "Danger for Most" hazard area, with a maximum predicted flood depth of 0.5 metres on the footprint of the building, with a depth of 1 metre in the yard area to the south of the dwelling on the 1% 2115 South Holland Strategic Flood Risk Mapping. The submitted FRA incorrectly states that the maximum predicted flood depth for the building is 0.25 metres. It is considered that the proposal could not be realistically achieved by internally raising finished floor levels. Additionally, as the change of use is for a single dwelling, then there is the ability for first floor refuge from any potential flood water ingress.

15. There is not considered to be an impact on the Pinchbeck Conservation Area or at 46 Knight Street, as the exterior of the building will not be altered.

Flood Risk

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.

The site is located within Environment Agency Flood Zone 3a and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) shows that the site falls within the 'danger for most' hazard zone, with predicted flood depths of up to 0.25 metre for the building.

The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. Although the application site is not a housing allocation within the Local Plan (only suitable sites capable of accommodating 10+ dwellings have been allocated), the site does lie within the settlement boundary for Pinchbeck. In general, there is a presumption in favour of sustainable development within settlement boundaries and windfall sites are expected to have a contribution towards housing supply (and maintaining the 5-year supply of deliverable sites) in the district. As such, one could argue that, should the site be acceptable in all regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable allocated sites in the adopted Local Plan.

In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

In terms of the first element, the proposal will provide wider sustainability benefits to the community that outweigh flood risk; that is, the provision of additional housing in a sustainable location within the district. In terms of the latter, the dwelling would allow for first floor refuge from flood water ingress and would help to extend the life of the existing building.

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.

Other Considerations

Speculation regarding the potential future use of the building is not something that can be considered as part of this planning application.

PLANNING BALANCE

This proposal will help to extend the lifetime of a historic building without external alteration. The proposal would lead to a reduction in vehicular movements and make use of a building within a sustainable location in the district. This application is considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 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.

CONCLUSION

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.