DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0022-23**	**Applicant:**	**Mr R Delasalle & Miss M Relf**
Proposal:	Change of use from office & workshop (plumbing & heating business) to residential use - retrospective		
Location:	203 Bourne Road Spalding Lincs		
Terminal Date:	10th March 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
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
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Proposal for the retrospective change of use of 203 Bourne Road, Spalding, from a plumbing and heating business to a residential use. This is a change from Class E to Class C3. Currently, the front section of the building is residential, while the rear is the business. Despite having different uses, the rear and front section are part of the same building.

No new bedrooms will be created, and no room usage will be changed, this application is purely to remove the business use from the rear of the property.

Site Description

The site is approximately 350 metres west of the settlement boundary of Spalding as outlined in the South-East Lincolnshire Local Plan, 2019 (SELLP). The site on the southern side of Bourne Road, between Pode Hole and Spalding.

The property is a bungalow constructed of light brown bricks. To the south-west of the dwelling is a garage and workshop space that connects onto the dwelling. Currently, the front of the property is residential, with the bedrooms and living areas being located here, while the rear is the currently used as a workshop and office for the plumbing business. The rear and front are connected and part of the same unit. The property was originally purely a residential dwelling, with the use as a plumbing business starting in 1986.

Relevant History

H16-0670-86 - Full. Change of use from residential to plumbing and heating business. Approved 10/9/86.

Consultation Responses

No consultation responses received.

Planning Considerations

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP states that 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.

There will be no significant interior alterations to the property, as the owner wishes to maintain the workshop for personal use. There will be no exterior alterations either, meaning there will be no impact upon the character of design. As the workshop and current residential area are part of one unit, no new residential dwellings will be created.

The proposal is deemed to comply with Policy 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF amongst other matters, seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of the SELLP set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

There will be no exterior works to impact residential amenity. No bedrooms will be created either. No additional overshadowing or overlooking will be created as a result of the proposal.

The change of use conforms to Policies 2 and 3 of the SELLP, the proposal is therefore deemed acceptable in amenity terms.

Parking Considerations

There will be no new bedrooms created, therefore, no further parking is needed. There is ample room to meet the two parking spaces needed for the dwelling (as outlined in Appendix 6 of the SELLP). As such, the proposal conforms to Policy 36 and Appendix 6 of the SELLP.

Planning Balance

The area is already characterised by residential developments. Therefore, returning this site to a purely residential use would bring the property further in line with the area and strengthen the character of the locale.

There will be no additional overlooking or overshadowing created.

The proposal conforms to Policies 2 and 3 of the SELLP. The planning balance is in favour of the proposal.

Conclusion

The recommendation is for 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.