DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0117-20**	**Applicant:**	**A P I Limited**
Proposal:	Conversion of first and second floors from B1 to C3 (4 units)		
Location:	Priory House 1 - 3 The Crescent Spalding		
Terminal Date:	2nd April 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing

National Guidance

National Planning Policy Framework 2019

Part 3, Class O of the General Permitted Development Order (2015)

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This prior approval application seeks the conversion of first and second floors from B1 to C3 (4 units) at Priory House, 1 - 3 The Crescent, Spalding. At first floor level, Unit 1 will contain two bedrooms, a bathroom, and an open plan living room, kitchen and dining area. Unit 2 will contain one bedroom, a bathroom, and an open plan living room, kitchen and dining area. At second floor level, Unit 3 will contain two bedrooms, a bathroom, and an open plan living room, kitchen and dining area. Unit 4 will contain one bedroom, a bathroom, and an open plan living room, kitchen and dining area.

The proposal does not seek to amend the exterior of the building and all existing windows will remain in place.

Site Description

The proposal is in the Spalding Conservation Area, and is surrounded by buildings of varying ages and design subject to varying uses. The Grade II Listed Sessions House is to the west of the site on the opposite side of the road.

History

H16-0913-84

Advertisement Consent - Shop fascia sign and projecting sign - Approved - 31 October 1984.

H16-1111-94

Full - Replacement of shop front - Approved - 12 January 1995.

H16-1103-95

Condition Compliance - Details of paint colour for new shop front (Condition 2 of application H16-1111-94) - Approved - 29 November 1995.

H16-1112-03

Full - Proposed replacement shop door, first and second floor windows and fascias - Refused - 09 January 2004.

H16-0619-04

Full - Replacement windows, fascias and replacement door - Approved - 27 July 2004.

H16-1075-04

Full - Change of use from shop (Class A1) to coin operated internet and phone facility - Approved - 24 September 2004.

Consultation Responses

Lincolnshire County Council as Lead Local Highways and Flood Authority

Noted that there is no parking provision for the proposal but due to the town centre location, this is not an issue. Therefore raises no objections to the application.

Environment Agency

No objection.

Member of the public - Objection

- Heritage Impact Assessment is essential (Officer note - Not required for this application)

- No parking provision

- Highway safety

Planning Considerations

Principle of development

Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 states that the conversion of Offices (B1) to Dwellinghouses (C3) is permitted development provided that

(a)the building is on article 2(5) land;
(b)the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order
(i)on 29th May 2013, or
(ii)in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
(c)the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 30th May 2016;
(d)the site is, or forms part of, a safety hazard area;
(e)the site is, or forms part of, a military explosives storage area;
(f)the building is a listed building or is within the curtilage of a listed building; or
(g)the site is, or contains, a scheduled monument.

The proposal site does not fall within land which would have been considered to be Article 2(5) land.

The proposal site has been a commercial property for a significant period of time. The Local Planning Authority is not in possession of evidence to suggest that the proposal site was not in use as B1 at 29th May 2013.

The proposal to change the use of the 1st and 2nd floors to C3 has not yet been carried out and as such C (above) does not

Finally, the site isn't, and doesn't form part of a safety hazard area or a military explosives storage area. The site is not listed or in the curtilage of a listed property and does not contain a scheduled monument.

Whilst none of the above apply to this proposal, Schedule 2, Part 3, Class O also requires that the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to

(a)transport and highways impacts of the development;
(b)contamination risks on the site; and
(c)flooding risks on the site

This proposal is that above mentioned application and as this proposal clearly does not fall foul of any of the 'development not permitted' criteria, the principle of development is therefore acceptable.

No parking provision

It is recognised that this proposal for residential development does not include any provision for parking, however, as this is a town centre location, this is deemed to be acceptable. Furthermore, the Lincolnshire County Council Highways department have specifically acknowledged the acceptability of no dedicated parking provision for a residential development in this area.

Highway safety

The Lincolnshire County Council Highways Department have submitted a comment of no objections to this proposal ad therefore, have not raised any concerns over Highway Safety presented by this proposal.

Conclusion

In light of the above considerations the proposal is considered to be in accordance with Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015, as well as Policies 1, 2, 3, 10, 11 & 17 of the South East Lincolnshire Local Plan (2019). The recommendation is therefore to APPROVE.

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.