DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0364-23**	**Applicant:**	**Mr S Knapp**
Proposal:	Part change of use of dwelling for the storage of materials and related products for double glazing business - retrospective		
Location:	2 Greenrigg Gardens Spalding		
Terminal Date:	19th June 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

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
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

Proposed partial change of use from residential to a double-glazing installation business. This is a change from C3 to E. This application is made retrospectively following contact from the Planning Enforcement Department. Windows and frames are currently stored haphazardly on the front driveway of the property.

No external alterations are proposed.

Site Description

The site is within the defined settlement of Spalding, outlined in the South-East Lincolnshire Local Plan, 2019 (SELLP). The area is characterised by residential properties of varying age and design. The dwelling is located down Greenrigg Gardens, a cul-de-sac to the north of the town.

The property itself is located on the corner of the estate, and as such, benefits from a larger front garden. The dwelling is two stories, constructed from light brown brick. The property appears to have been renovated recently, giving it a more contemporary appearance than its counterparts. There is an attached garage to the east of the property.

Relevant History

No relevant planning history.

Consultation Responses

Highway and Lead Local Flood Authority

"No objection. No changes are proposed to be made to the property's access arrangement so provided sufficient space is maintained within the curtilage of the property for the parking of all vehicles and the storage of all materials used to operate the Double Glazing business, then the proposed change of use would not be expected to have an unacceptable impact upon highway safety and the Authority does not wish to object to the grant of Consent for this Application."

Environmental Protection

No observations

Environment Agency

No comment

Planning Considerations

Principle of Development

Policy 1 of the SELLP directs development to the most sustainable locations. As the proposal is within the settlement boundaries of Spalding, the proposal does, to some extent, conform to this policy.

Policy 7 dictates the location of commercial developments of all scales. The development of new employment opportunities is supported where they can meet the seven criteria laid out within the policy. The proposal here has been assessed against all criteria below:

a)The development directly conflicts with the current residential use of the area. The introduction of a commercial use into a quiet residential area is severely at odds with the established character.
b)There has been a significant impact upon the character and appearance of the area. The addition of a discordant materials to the front of the property has damaged the visual harmony of the street scene. Furthermore, the use is fundamentally at odds with the residential character of the area.
c)There have been no attempts to incorporate the design and the use within the local context
d)There are no adverse impacts on the local highway network
e)There has been no significant adverse impact upon the viability of delivering any allocated employment site as a result of this change of use
f)The proposal is within a settlement and is accessible via a number of means of sustainable transport
g)There is no identified need for the commercial use on this site, and no justification for the use here have come forward
The proposal therefore fails to achieve the aims of four of the seven criteria. Therefore, the principle of development is not sound.

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.

No external alterations have been undertaken. Currently, the front garden area is used for the storage of the windows and frames. This use appears severely out of keeping with the residential character of the area, making the property a focal point of the street scene. This use, and the associated aesthetics of it, therefore, appear incongruous with the setting.

The proposal to create a class E use within a quiet residential area is severely at odds with the character of the area and as such the fails to achieve the aims of Policy 2 in terms of design, character impact and layout.

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.

No external changes have been undertaken to the building's faÃ§ade. As a result, there has been no additional overshadowing or overlooking as a result of the proposal.

The proposal has led to an increase in foot traffic, vehicle traffic and therefore noise pollution within the area. The commercial use has introduced people to the site at potentially unsociable hours, in turn damaging the amenity of neighbouring residents. This directly goes against Policies 3 and 30 of the SELLP which ensure that changes of use do not severely harm the amenity of neighbouring residents.

The proposal therefore fails to conform to Policies 2, 3 and 30 of the SELLP in terms of amenity impact.

Highway and Parking

The relevant consultee from the Highway Department have raised no objections. There is sufficient room on site for to accommodate the residential parking for the dwelling and any additional parking arising as a result of the double-glazing business.

The proposal adequately accords to Policy 36 and Appendix 6 of the SELLP.

Planning Balance

The relevant consultee from the Highway Department raised no objections. The site can comfortably accommodate the parking needs for the dwelling and any additional parking requirement arising from the change of use.

The proposed change of use fundamentally is out of character with the residential character of the locale. The introduction of this use to the site has led to an unacceptable amenity impact via increased levels of noise pollution.

The proposal directly contradicts four of the criteria required under Policy 7 of the SELLP and therefore it is considered that the location is unsuitable for a Class E use.

Therefore, the proposal fails to conform to Policies 2, 3, 7 and 30 of the SELLP and is therefore unacceptable. The planning balance is against the proposal.

Conclusion

The recommendation is for delegated refusal.

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.