DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0476-23**	**Applicant:**	**Mr I Razaq**
Proposal:	Conversion of first floor storage area into self contained flat, including alterations to ground floor elevation		
Location:	Kittens Got Claws 2 Victoria Street Spalding		
Terminal Date:	19th July 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

Sections 12 and 16 of the National Planning Policy Framework (2021)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
MATTHEW ADAMS - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This Prior Approval Application is for the conversion of the first floor storage area into a self-contained flat. The proposal also includes alterations to the ground floor shop frontage.

Site Description

2 Victoria Street is currently/was most recently utilised as a Hair and Beauty Salon (Class E). The property itself is a former C19th Terraced residential property converted for commercial use, much as is the case for the majority of such properties along Victoria Street.

The site is within the Spalding Conservation Area (SCA), situated just off the highly prominent Sheep Market portion of the SCA. The area is largely characterised by similar C19th commercial properties upon the Southern side of Victoria St, with C20th commercial and public development on the opposite side of the road. The property does back onto the curtilage of the Grade II listed Sessions House, which is a locally prominent historic structure.

History

None

Consultation Responses

Resident comments

1 letter of objection was received from a local resident. The letter complained that the existing waste storage is already insufficient to service the extant commercial use. The complainant is therefore concerned that the application seeks no improvement to the waste storage on site, meaning that the waste storage is not sufficient for the additional proposed residential unit. The objector was concerned that this could lead to excess waste being stored on the footpath.

SHDC environmental protection

No Objection

Lincolnshire County Council Historic Environment Record

No Archaeological Input required.

Lincolnshire County Council as Lead Local Highways and Flood Authority

No objections

Planning Considerations

Schedule 2, Part 3, Class M of the Town and County Planning (General Permitted Development)(England) Order 2015

Schedule 2, Part 3, Class M of the Town and County Planning (General Permitted Development)(England) Order 2015 confirms that Permitted Development is any development consisting of the following:

"(a)a change of use of a building from
(i)a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order;
(ii)a use as a betting office or pay day loan shop, or
(iii)a mixed use combining use as a dwellinghouse with
(aa)a use as a betting office or pay day loan shop, or
(bb)a use falling within either Class A1 (shops) or Class A2 (financial and professional services) of that Schedule (whether that use was granted permission under Class G of this Part or otherwise), to a use falling within Class C3 (dwellinghouses) of that Schedule, and"

(b)building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Paragraph M.1 of this class of the above order then states that such development is not permitted if::

"(g)the building is
(i)on article 2(3) land;
(ii)in a site of special scientific interest;
(iii)in a safety hazard area;
(iv)in a military explosives storage area;
(v)a listed building; or
(vi)a scheduled monument."

2 Victoria Street is within the SCA, which is considered to be Article 2(3) land. Therefore, this proposal is not permitted development and as such will require the submission and approval, in writing, of an application for full planning permission.

Schedule 2, Part 7, Class A of the Town and County Planning (General Permitted Development)(England) Order 2015

Schedule 2, Part 7, Class A of the Town and County Planning (General Permitted Development)(England) Order 2015 is relevant to this case as in addition to the proposed conversion of the above-ground portion of this Class E property to residential use, this application also seeks to conduct alterations to the shop frontage which are necessitated by the proposed change of use.

Schedule 2, Part 7, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, confirms that the following, with regards to 'The extension or alteration of a shop or financial or professional services establishment.' is not permitted development:

(a)the gross floor space of the original building would be exceeded by more than
(i)in respect of an original building or a development on
(aa)article 2(3) land, or
(bb)a site of special scientific interest,25% or 50 square metres (whichever is the lesser);
(ii)in any other case, 50% or 100 square metres (whichever is the lesser);

(b)the height of the building as extended would exceed 4 metres;

(c)any part of the development (other than an alteration)
(i)is on land which
(aa)adjoins other premises which are used for a purpose falling within any of the classes in Part C (residential premises or institutions) of the Schedule to the Use Classes Order,
(bb)is article 2(3) land, or
(cc)is a site of special scientific interest, and
(ii)is within 2 metres of any boundary of the curtilage of the premises;

(d)the development would be within the curtilage of a listed building;

(e)any alteration would be on article 2(3) land;

(f)the development would consist of or include the construction or provision of a verandah, balcony or raised platform;

(g)any part of the development would extend beyond an existing shop front;

(h)the development would involve the insertion or creation of a new shop front or the alteration or replacement of an existing shop front; or
(i)the development would involve the installation or replacement of a security grill or shutter on a shop front.

As the proposal includes plans to substantially alter the shop frontage of this property, which is situated in the SCA, which is Article 2(3) land, the proposal does not constitute permitted development and therefore requires the submission and approval, in writing, of an application for full planning permission.

Conclusion

For the above reasons, this proposal does not constitute permitted development under Classes G or M of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development)

(England) Order 2015, and nor are the proposed alterations to the shop front permitted development under Schedule 2, Part 7, Class A of the Town and County Planning (General Permitted Development)(England) Order 2015

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.