

DECISION DELEGATED TO DEVELOPMENT MANAGER**DECISION DELEGATED TO DEVELOPMENT MANAGER**

Application No: H16-0703-19 **Applicant:** Mrs A Avery

Proposal: Change of use from offices to residential

Location: 2 Red Lion Street Spalding

Terminal Date: 17th September 2019

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

01	Spatial Strategy
02	Development Management
03	Design of New Development
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres
26	Primary Shopping Frontages
29	The Historic Environment

National Guidance**National Planning Policy Framework 2019**

NPPF 2019
Section 16

Paragraph 182. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This planning application seeks permission for change of use from B1 (offices) to Residential (C3) at 2 Red Lion Street, Spalding.

Site Description

The application site is an attractive historic building set in a row of properties on the corner of Red Lion Street opposite the Red Lion Hotel.

The site is surrounded on all sides by commercial activities and is enclosed by buildings in commercial use to the rear.

The site location falls within;

- the defined the settlement limits of; Spalding;
- Spalding Conservation Area
- Spalding Town Centre

but is not within the Primary Shopping Frontage.

The premises are currently a vacant B1 set of offices. Red Lion Street is a semi-pedestrian road linking New Road and Hall Place. The locality is the Town Centre but is not primary shopping frontage.

History

H16-0502-19 3b Red Lion Street, Spalding

Change of use from B1 (offices) to D2 (assembly and leisure) Rush Hour Escape Rooms Ltd
FULL

Approved : 28-06-19

H16-0503-19 3b Red Lion Street, Spalding

Proposed signage Rush Hour Escape Rooms Ltd

ADVERTISEMENT

Approved Issued

Consultation Responses

SHDC Environmental Protection Officer

Comments

No comments with respect to land contamination, my colleague may comment on other EH matters.

SHDC - Steve Branson Environmental Protection Officer

I have serious concerns about the potential impact from noise from the recently granted escape room on the proposed residential use.

Planning Considerations

The main considerations in the determination of this application are:

- Principle
- Amenity

Principle

The principle of conversion of redundant offices to residential is generally acceptable and indeed is permitted development under certain criteria where the necessary conditions are met. This does not apply in this case as the site is on Article 2(5) land - ie within a Conservation Area.

The use is considered to be acceptable in a town centre location.

The loss of two small B1 office units which are currently vacant is considered to not have any adverse impact.

Amenity

There are no residential properties immediately adjoining and the area is predominantly commercial.

The immediately adjoining offices, at 3b Red Lion Street, within the same run of buildings has recently secured planning permission for a change of use to a commercial recreational use.

The specific use applied for is an 'escape room' where groups of people solve challenges to escape from a room, with the activity lasting 60 minutes and their entire time on site being likely to be no more than 90 minutes and with several groups a day enjoying the facilities.

The planning permission for this change of use, H16-0502-19, was to a great degree assessed as being an appropriate location for this use because there were no residential properties in close proximity.

To introduce residential accommodation so close, would not only be likely to lead to unacceptable living conditions for those occupiers, but would be potentially putting at risk the new business which would be in danger of generating complaints to Environmental Health and having action taken against them which could fetter or even close their business.

This is contrary to the advice in the National Planning Policy Framework, paragraph 182, which explains the principle of 'Agents of Change' and guards against this very scenario.

The proposals are also considered to be contrary to South East Lincolnshire Local Plan policies which aim to protect amenity;

Policy 2 - Development Management, Criteria 1 and 6 talk about the relationship with neighbouring land uses and seeks to ensure development is 'sustainable'. This proposal would harm amenity, and, potentially, economic interests and is not therefore a sustainable form of development.

Policy 3 - Design of New Development, Criteria 11, seeks to protect amenity. These proposals are likely to lead to unacceptable amenity impacts upon the occupiers of the proposed residential accommodation.

It should also be noted that the Environmental Health team raise a concern about the noise impact of the recently approved Escape Room.

Conclusion

The proposals are not acceptable and should be refused.

Recommendation - REFUSE.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.