

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 09 October 2019

(Author: Greg Watkinson - Planning Conservation Officer)

Purpose: To consider Planning Application H16-0840-19

Application Number: H16-0840-19

Date Received: 22 August 2019

Application Type: FULL

Description: Change of use from sui generis to MP constituency office (retrospective)

Location: 24-25 Westlode Street Spalding Lincs

Applicant: Mr P Redgate

Agent: Mr P Redgate

Ward: Spalding Castle

Ward Councillors: Cllr G J Taylor

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0840-19>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The applicant is a District Councillor.

2.0 PROPOSAL

2.1 The proposals are for the retrospective Change of Use of 24-25 Westlode Street, Spalding, from Sui Generis to MP Constituency Office. As an MP Constituency Office will likely be offering advice and professional services, it has all of the characteristics of an A2 use class. Therefore, the proposals should be deemed to be for a Change of Use from Sui Generis to A2.

2.2 No internal or external changes requiring planning permission are associated with this application.

3.0 SITE DESCRIPTION

3.1 The site is a small 19th Century property that was most recently used as a Taxi Control Office, which falls under Sui Generis use, before becoming vacant to be occupied by its current user. The property sits within the Spalding Conservation Area (SCA) along the prominent Westlode Street, which forms one of the main access points to the town centre and features much of the town's primary commercial space.

3.2 This immediate section of the Spalding Conservation Area is largely characterised by a commercial properties with a small amount of residential properties immediately to the South East of the site. Nearby buildings are diverse in both architectural style and use.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

4.2 **South East Lincolnshire Local Plan, March 2019**

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development
Policy 29 - The Historic Environment

4.3 If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

4.4 **National Guidance**

4.5 **National Planning Policy Framework (NPPF), 2019**

4. Decision Making
7. Ensuring the Vitality of Town Centres
12. Achieving Well-Designed Places
16. Conserving and Enhancing the Historic Environment

4.6 **Planning Practice Guidance (PPG)**

5.0 **RELEVANT PLANNING HISTORY**

5.1 None

6.0 **REPRESENTATIONS**

6.1 None received.

7.0 **CONSIDERATIONS**

7.1 **Planning Considerations**

7.2 **Design and Layout**

7.3 No proposals are made to change to design or layout of the property under this application.

7.4 **Heritage Impact**

7.5 The site of the proposed is within the Spalding Conservation Area, along the fairly prominent Westlode Street, which forms a major point of access to the town centre and features some of the town's primary commercial space. The loss of a sui generis frontage and conversion to A2 is deemed to have no negative impact upon the qualities of the Conservation Area. Indeed, it is considered that the adoption of what was a vacant unit, from remaining an eyesore and becoming a detriment to the qualities of the area. Therefore, it is deemed that the proposals would aid in preserving the Conservation Area.

7.6 **Commercial Impact**

7.7 As the most recent previous use was as a Taxi Control Office, it must be deemed that the site was the site of a commercial premises. This application does propose the change of the previous use, but as the Taxi Control Office was Sui Generis and the proposed new use is A2, it can not be considered that this application represents any significant and/or unacceptable

change in use.

7.8 Additional Considerations

7.9 Public Sector Equality Duty

7.10 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.

7.11 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.12 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.

7.13 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.14 Human Rights

7.15 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).

7.16 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.

8.0 RECOMMENDATIONS

8.1 **Grant planning permission subject to the conditions listed in Section 9.0 of this report.**

9.0 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Application Form
Site Location Plan
Proposed Floor Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

Background papers:- Planning Application Working File

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Appendices attached to this report: Appendix A - Plan A

 Sholland

MapThat Scale Print Title

