DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0861-22**	**Applicant:**	**St Barnabas Hospice Trust (Lincolnshire)**
Proposal:	Change of use of hospice day centre to residential dwelling		
Location:	St Barnabas Hospice Day Care Centre 2 Clover Way Spalding		
Terminal Date:	21st November 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

Town and Country Planning (General Permitted Development) (England) Order 2015
Class MA, Part 3, Schedule 2

Nationally Described Space Standard (2015)

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This an application to determine whether prior approval is required for the change of use of the hospice day centre to a residential dwelling at the St Barnabas Hospice Day Care Centre, 2 Clover Way, Spalding.

Site Description

The hospice day centre is situated within the defined settlement limits of Spalding. It is a detached

single storey building sited on a spacious corner plot with ample parking to the front. The Co-op supermarket is opposite Clover Way, with public parking situated to the front.

History

H16-1381-04- Full- Approved on 07-12-04- Provision of hardstanding and turning area.

H16-0461-05- Condition Compliance- Approved on 20-05-05- Landscaping details submitted (Condition 3 of H16/1381/04)

Consultation Responses

Steve Branson, Environmental Protection Officer

No Objections.

Local Highway and Lead Local Flood Authority

No Objections.

Planning Considerations

The application has to be assessed to consider whether the proposal meets the relevant requirements and limitations of Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This is to establish whether the proposed development can be considered as 'permitted development', subject to consideration of the prior approval criteria.

Upon review of the proposed development, it is considered that the proposal is 'permitted development' and that the existing use of the building falls under Class C2 of the Town and Country Planning (Use Classes Order) 1987 (as amended).

It is considered that the proposal does not exceed the relevant limitations set out within Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). In addition, the proposal would ensure that the Nationally Described Space Standards (2015) are met, in accordance with paragraph 3(9a).

As such, it is considered that the proposal can be considered as 'permitted development'. The LPA is then required to consider the proposal against the following prior approval criteria:

- Transport and highways impact of the development
- Contamination risks on the site
- Flooding risks on the site
- Impacts of noise from commercial premises on the intended occupiers of the development
- Change of use and its impact upon the character or sustainability of Conservation Areas
- Provision of adequate natural light in all habitable rooms
- The impact of occupiers within industry, waste management, storage and distribution areas, or a mix of these uses
- The loss of provisions such as nurseries or health centres
- Fire safety

Transport and highways impact of the development

The Local Highway Authority has raised no objections to the proposed change of use. Highways comment that the proposal will utilise the existing access from Clover Way which serves the current use and meets the guidelines set out in Manual for Streets for visibility. Adequate provision for car parking and turning space is available within the limits of the site to enable vehicles to enter and leave in a forward gear and therefore, it is considered that this proposal would not result in an unacceptable impact upon highway safety.

On the basis of the above, the proposal would not result in harmful highways impacts and has appropriate parking provision.

Contamination risks on the site

The application is for a change of use of an existing residential type building. In light of this, the proposal is not considered to be at significant risk to contamination.

The Environmental Control Officer has no comments to make in relation to the above application and has not raised any contamination issues against this proposal.

In light of the above, the proposal is not considered to be at significant risk to contamination.

Flood risks on site

The application site is located within Flood Zone 3 and is at the highest risk of flooding in terms of the Environment Agency flood zones. However, the site is not located within an area of known critical drainage issues and according to the Strategic Flood Risk Assessment (2017), the site is only considered to be at low hazard, with no identified flood depths. In light of this, the building is not considered to be at undue risk of flooding.

Impacts of noise from commercial premises on the intended occupiers of the development

There is a parade of shops opposite the site to the west, including a Lincolnshire Co-op store and a public car park opposite. However, given that Clover Way and the surrounding roads are in a predominantly residential area and the existing commercial units are serving the residential area, it is not considered that these commercial premises will impact greatly upon the proposed residential site, in terms of noise.

Change of use and its impact upon the character or sustainability of Conservation Areas

The application site is not located within a Conservation Area or close to one, therefore an assessment against this criteria is not required.

Light and impact upon habitable rooms

Under paragraph X 'Interpretation of Part 3' of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), a 'habitable room' means 'any room used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms'.

For this proposal and based on the definition above, the day care centre is arranged around the original plan of a four bedroomed detached bungalow. The accommodation is currently arranged on one ground floor. The floor plan includes three bedrooms, a living room and a dining room in terms of habitable rooms, all of which are adequately served by windows.

Impact of general or heavy industry, waste management, storage and distribution, or a mix of such uses, upon future occupiers

With the site located within a predominantly residential area of Spalding, it is not considered that the amenity of future occupiers would be adversely impacted upon from these above uses. This is because there are no general or
heavy industry, waste management, storage and distribution located within the immediate area.

The loss of provisions such as nurseries or health centres

The Hospice Trust has relocated the Day Centre to rooms within the nearby Johnson Community Hospital, Spalding. Therefore, there is not considered to be a detrimental impact on the provision of local services.

Fire safety

The proposed change of use would only result in one dwelling and does not exceed 18m in height or more than 7 storeys.

As such, the proposal does not meet the requirement of the fire safety condition and therefore consultation with the Health and Safety Executive is not necessary. The proposal satisfies this

matter.

Planning Balance

Upon assessment of the proposed development and following consultation with relevant bodies, it is considered that the proposed development will not result in any unacceptable impact upon the safety of the public highway, contaminated land, increased flood risk elsewhere or be at risk of flooding itself or unacceptable noise disturbance to occupants from surrounding commercial premises. In addition, the proposed development would receive adequate natural daylight and meets the National Described Space Standards (2015).

As such, in accordance with Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the prior approval of the Local Planning Authority is required, and it is granted and the development may be commenced subject to the following conditions.

Conclusion

The recommendation therefore is for a delegated approval.

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.