DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-1240-19**	**Applicant:**	**A & S Southern Transport Ltd**
Proposal:	Change of use to private hire taxi office (retrospective)		
Location:	The Office Bungalow Clay Lake Spalding		
Terminal Date:	19th May 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

Sections 6 & 12 of the National Planning Policy Framework (2019)

6 - Building a strong, competitive economy
12 - Achieving well-designed places

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 is a retrospective full application for change of use from B1 use class office to sui generis use class private hire taxi office at The Officer Bungalow, Clay Lake, Spalding. The application seeks

change of use from a office, previously a residential property known as The Poplars to a private hire taxi office, with the adjacent land used for the parking of vehicles. The proposed parking area is to cater for 8 cars and 17 light goods vehicles. The total internal floorspace of the building is 71.4 metres. The proposed number of employees in the office is 5, with the proposed hours of opening being 24 hours a day, 7 days a week.

Site Description

The proposal is outside of defined settlement limits on a line of linear development, dominated by industrial uses. Arable land is sited to the west, with a proposed main employment area to the north and east and a main employment area to the south.

Relevant history

H16-1158-95

Full - Change of use of bungalow to office - Approved - 24 January 1996

Consultation Responses

LCC - County Highways & SUDS Officer

No objection

SHDC - Environmental Protection Officer

No objection

Planning Considerations

Principle of development

The proposal affords a large parking area adjacent to a tarmacked road with no residential uses in the immediate vicinity. A taxi use in a non-residential area allows for night-time use with minimal disturbance to amenity.

Impact of development

There is not considered to be a material impact from the proposal. The site is well-located to cater to the proposed use. There is easy access to Spalding town centre to the north and A16 to the south. The proposed hours of operation are not considered to impact on local businesses or the security of the site. There is not considered to be a conflict between this sui generis use and adjacent B2 and B8 uses.

Part a of paragraph 83 of the NPPF states that planning policies should enable "the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings." This retrospective use has operated without complaint since December 2017, and no objections have been received to this application to regularise the existing use. The use is considered to be appropriate for the site and supports the growth of an existing business.

Conclusion

There is not considered to be a material impact from this change of use to a private hire taxi office. The proposal is therefore in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan and Sections 6 and 12 of the National Planning Policy Framework (2019)

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.