DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-0191-22**	**Applicant:**	**Mr M Morris**
Proposal:	Renovation & change of use of derelict building to community hub - approved under H17-1036-20. Modification of Condition 1 to allow extended hours to be permitted permanently.		
Location:	42-44 Station Road Surfleet Spalding		
Terminal Date:	14th April 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
30	Pollution
32	Community, Health and Well-being

National Guidance

National Planning Policy Framework 2021

12 - Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
RESIDENTS	2	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a Section 73 continuation application relating to the renovation & change of use of derelict building to community hub - approved under H17-1036-20. This application seeks a modification of

Condition 1 to allow extended hours to be permitted permanently. The applicant seeks to retain the existing opening hours of 9.00am to 11.00pm Monday to Sunday.

SITE DESCRIPTION

The proposal site is within defined settlement limits, in a row of linear development. The surrounding area is predominately residential and is characterised by dwellings of varying ages and designs. The site is in Environment Agency Flood Zone 1 and is subject to "Low Hazard" with a maximum predicted flood depth of 0.25 metres on the 0.1% 2115 South Holland Strategic Flood Risk Mapping.

HISTORY

H17-1064-17

Full - Renovation and change of use of derelict building to community hub - 09 February 2018.

H17-1036-20

Section 73 Continuation - Renovation and change of use of derelict building to community hub - approved under H17-1064-17. Modification of Condition 5 to allow an extension of opening hours from 9.00am to 11.00pm Monday to Sunday - Approved - 18 February 2021.

CONSULTATION RESPONSES

SHDC - Environmental Protection

"I'm not aware of any noise issues from the Community Hub."

Members of the public - 3

Positive for the village and the nearby area.

On street parking problems.

Noise from garden area.

Loss of view - Does not carry material planning weight.

The building is being extended - The building is NOT being extended.

PLANNING CONSIDERATIONS

Principle of development

The proposal does not seek any alterations to the building, solely to secure permanent permission for the hours of opening. The site is within defined settlement limits so the principle of development is agreeable, and has previously been established under approved applications H17-1064-17 and H17-1036-20.

Assessment against SELLP Policy 2 - Development Management

When assessed against the above relevant criteria the following can be observed:

4. The application does not propose an intensification of the use, but to permanently extend the hours of opening. It is not considered that this will materially impact the existing access or car park provision.

5. The proposal is considered to improve community services and infrastructure.

6. There may be a potential for noise from the use, however, there is no history of noise complaints from this site with the Environmental Health Department. Under reference H17-1036-20 the Environmental Health Technician has previously suggested a temporary permission to see if any complaints arise from the increase in hours. No formal complaints have arisen. There is not

considered to be an odour or visual intrusion impact from increasing the hours of opening. There have been complaints with regard to the behaviour of car users on and near the site, however, the behaviour of drivers is beyond the remit of planning.

The proposal is considered to accord with SELLP Policy 3.

Assessment against SELLP Policy 3 - Design of New Development

When assessed against the above relevant criteria the following can be observed:

8. Crime prevention or community safety is not considered to be impacted by this proposal.

11. There may be a potential for noise from the use, however, there is no history of noise complaints from this site with the Environmental Health Department. Under reference H17-1036-20 the Environmental Health Technician has previously suggested a temporary permission to see if any complaints arise from the increase in hours. No formal complaints have arisen. There is not considered to be an odour or visual intrusion impact from increasing the hours of opening. There have been complaints with regard to the behaviour of car users on and near the site, however, the behaviour of drivers is beyond the remit of planning.

The proposal accords with SELLP Policy 3.

Assessment against SELLP Policy 30 - Pollution

When assessed against the above relevant criteria the following can be observed:

1. The health and safety of the public is not considered to be affected by the proposed extension of hours of operation as there are to be no alterations to the the layout of the site.

5. There has two objections about noise, however, the objection relates to how site users rev their engines and drive fast. The behaviour of vehicle owners is beyond the remit of planning. No formal noise complaints have been received by the Council in relation to the current use or hours of opening.

The proposal is considered to accord with SELLP Policy 30.

Assessment against SELLP Policy 32 - Community, Health & Well-being

When assessed against the relevant criteria the following can be observed:

2i. Crime and disorder is not considered to be impacted by this proposal.
2iii. The site is accessible to all sections of the community as it is close to the village centre and is served by a pavement with a car park to the front of the site.
2v. The proposal is a functioning community hub that offers cafe provision and a variety of recreational activities.

The proposal is considered to accord with SELLP Policy 32.

PLANNING BALANCE

It is considered that granting permanent permission for the existing opening hours of 9.00am to 11.00pm Monday to Sunday is appropriate for the site with no formal noise complaints having been received since a one year temporary permission was granted under reference H17-1036-20 on 18 February 2021

The proposal is considered to be in accordance with policies 1, 2, 3 and 32 of the South East Lincolnshire Local Plan, 2019.

CONCLUSION

The recommendation is permanent 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.