DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H18-0309-20**	**Applicant:**	**Mr G Hain**
Proposal:	Change of use of shop to residential dwelling		
Location:	146 Bridge Road Sutton Bridge Spalding		
Terminal Date:	12th June 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2019

Planning Practice Guidance
T & CP (GPD) Order 2015 - Class M

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application is for a change of use of a mixed use combining a use falling within Class A1 (shops) and associated dwellinghouse to a use falling within Class 3 (dwellinghouses) under Part M

of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

Site Description

The site is located on the northern side of Bridge Road. It consists of frontage shop premises, plus outbuildings at the rear. It is currently vacant and was formerly a butcher's shop. Residential properties are situated to the east and west and a day care nursery (former British Legion) plus associated car park to the north.

Planning History

No recent history

Consultation Responses

Sutton Bridge Parish Council - Supports housing need

LCC Highways/SUDs - Does not wish to restrict the grant of permission

Environment Agency - Request condition

Environmental Protection (Noise) - No objections

Environmental Protection (Contamination) - Requested note: Re: unexpected contamination.

Planning Considerations

Class M of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 indicates that the following change of use of a building is permitted development:

(a)(iii) a mixed use combining use as a dwellinghouse with -
(aa) a use as a betting office or pay day loan shop, or
(bb) a use falling within either Class A1 (shops) or Class A2 (financial and professional services) of that Schedule (whether that use was granted permission under Class G of this Part or otherwise), to a use falling within Class C3 (dwellinghouses) of that Schedule, and

(b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Paragraph M.1 sets out the circumstances where development is not permitted. The information provided by the applicant appears to satisfactorily demonstrate that the provisions of criteria (a) - (g) have been met.

Paragraph M.(b) states that the permitted change of use can involve building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

In this case, the conversion would consist of adding two internal non load bearing walls to create a hallway with receptions rooms either side. The current shop windows would to be replaced with block and render to match the rest of the building with two windows and a front entrance door replacing the existing front entrance door. The proposed works are considered to be building operations reasonably necessary to convert the building.

Paragraph M.2 indicates that where a proposal is permitted development, it is subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the Authority will be required as to:

(a) Transport and highways impacts;
(b) Contamination risks in relation to the building;
(c) Flooding risks in relation to the building;
(d) Whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of

use -
(i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or
(ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and
(e) The design or external appearance of the building.

Paragraph M.2 of the GPDO states that an application for prior approval may be refused where it does not comply with any conditions or limitations applicable to Class M or where there is insufficient information to establish such compliance.

Addressing the above;

Transport/Highways - On site parking is available via an existing access off Bridge Road. LCC Highways does not wish to restrict the grant of permission on highway safety grounds.

Contamination Risks - Environmental Protection has raised no objections on noise or contamination grounds.

Flood Risk - The building to which the application relates is within Flood Zone 3 and within an area designed as "Danger for All" within the Strategic Flood Risk Assessment. However, the National Planning Policy Framework, 2019 indicates that proposals such as this should not be subject to the sequential and exceptions tests.

Nevertheless, it also indicates that proposals such as this should still meet the requirements for site-specific flood risk assessments. Given that the proposal is a more vulnerable use the Environment Agency has recommended that there shall be no ground floor sleeping accommodation and demountable defences shall be in place up to 0.6 metres above finished floor levels. Flood resilient measures shall also be used up to a height of 1 metre. These matters can be addressed by means of a condition.

Desirability - The site is just within the town centre but not within the primary shopping area defined within the South East Lincolnshire Local Plan, 2019. The property was marketed as a former butchers shop by a local estate agent from 12 September 2018 to 27 March 2020 and the original price was reduced before the current owner purchased it. It is considered to be a sufficient period to determine whether there was a demand for it as retail premises. It is considered that its loss would not materially harm the viability or vitality of the town centre. The proposal is supported by Sutton Bridge Parish Council.

Design/external appearance - The conversion would consist of adding two internal non load bearing walls to create a hallway with receptions rooms either side. The current shop windows would to be replaced with block and render to match the rest of the building with two windows and a front entrance door replacing the existing front entrance door. The proposed works are considered to be acceptable in principle subject to approval of the approved details relating to external alterations.

Conclusion

The proposal constitutes permitted development and that the Class M prior notification application be approved.

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.