

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H18-0411-20	Applicant:	Georgian Homes
Proposal:	Proposed change of use of first floor commercial premises into a self-contained flat		
Location:	1b-2 High Street Sutton Bridge Spalding		
Terminal Date:	31st July 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
24	The Retail Hierarchy
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 7, 9, 12, 14 and 16.

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to convert first floor commercial premises into a self-contained flat.

Site Description

The proposal relates to the first floor of an attractive Georgian property located on the western side of High Street. It is currently vacant but was formerly a flower shop. A former bank, which is now a chiropodist/hairdressers, is situated to the south and terraced housing to the north. A courtyard garden associated with no. 34 Bridge Road is located to the south west. A three storey Georgian terrace is situated almost opposite.

Policies/Constraints

Inside Sutton Bridge Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019.

Inside Town Centre Boundary and Primary Shopping Area

Previous Decisions

H18-0442-03 - Full - Change of use from residential to hairdressing and beauty treatment salon - Granted 19 June 2003.

H18-0820-17 - Full - Change of use from hairdressing salon to domestic - Refused 6 October 2017 on flood risk grounds.

Representations

Sutton Bridge Parish Council - No comment.

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

Environment Agency - Request that the development be carried out in accordance with the submitted flood risk assessment, including a non-habitable ground floor.

Environmental Protection Officer - No objection.

Public - Comments received from local resident on grounds of overlooking/lack of privacy. Issues with guttering.

Material Considerations

The main issues are:

- Principle;
- Character and amenity;
- Highway issues, including parking;
- Other material considerations such as flood risk.

Policy/principle

The premises are within Sutton Bridge Town Centre Boundary and also the Primary Shopping Area. Policies 24 and 26 of the South East Lincolnshire Local Plan, 2019 (SELLP) are therefore applicable. They essentially state that in district centres and primary shopping areas new development should not generate significant harm upon the vitality and viability of that centre or any other centre within that hierarchy.

The last use of the upper floor was solely for a purpose ancillary to the ground floor shop. In such cases the upper floor tends to be underused and can fall into a state of decay. The ground floor

would remain a shop. It is considered that conversion of the upper floor to residential would bring it back into active use and would not significantly harm the vitality and viability of Sutton Bridge town centre or any other centre within the hierarchy. The proposal therefore satisfactorily complies with Policies 24 and 26 of the SELLP.

The site is inside Sutton Bridge Settlement Limit as defined in the SELLP. Policy 1 indicates that within the settlement boundaries of the Main Service Centres, including Sutton Bridge, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. No objections are therefore raised in principle to residential.

Character and appearance

The building is an attractive two storey 19th Century property. No external alterations are proposed at the front facing onto High St. It is considered that the proposal would not materially harm the character or appearance of the existing street scene.

The proposal satisfactorily accords with Policies 2 and 3 of the SELLP in this respect.

Amenity

A former bank, which is now a chiropodist/hairdressers, is situated to the south and terraced housing to the north. A courtyard garden associated with no. 34 Bridge Road is located to the south west. A three storey Georgian terrace is situated almost opposite.

The main entrance to the self-contained flat is via a side alley off High Street. However, there is also a rear entrance via an external staircase, which presently overlooks a neighbouring courtyard garden. However, the applicant proposes to screen the top of the staircase to alleviate this. Obscure glazing would also be installed within the utility room facing south. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, overshadowing, overbearing effect, noise and disturbance, etc subject to the aforementioned measures.

Issues have been raised concerning guttering. This is not a planning matter.

Although the flat is above a shop this is not considered to be a significant amenity issue for future occupiers. The opening hours for the shop on the most recent planning permission are no time on Sundays, nor between the hours of 8.00pm and 9.00am on other days.

The proposal satisfactorily accords with Policies 2 and 3 of the SELLP in terms of amenity.

Highway Safety

No on site parking is proposed. However, on street parking is available within the vicinity. LCC Highways has raised no objections to the proposal on highway safety grounds given the site's location within the centre of Sutton Bridge. Whilst there is some conflict with Policy 36 of the SELLP it is outweighed by other factors in favour of the scheme.

Other material considerations

Flood Risk - The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. However, they do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test

The SFRA indicates that the site is within an area designated as "Danger for All". However, the Framework states at paragraph 164 that minor development and changes of use applications such as this should not be subject to the sequential or exceptions tests. Given the nature of the scheme, neither the sequential or exception test is required in this case. However, paragraph 164 also stresses that proposals should still meet the requirements for site specific flood risk assessments.

The proposal is a more vulnerable development and peak depths are predicted at 1-2 metres. However, all habitable accommodation is on the first floor. The proposal is therefore satisfactory on flood risk grounds and satisfactorily complies with Policy 4 of the SELLP and advice within the

National Planning Policy Framework, 2019.

Drainage - Foul water would be disposed of to the mains sewer. Surface water arrangements would remain unchanged.

Conclusion

The proposal would bring the upper floor of the property back into active use and provide additional residential accommodation within Sutton Bridge. It would not significantly harm the viability/vitality of the town centre/primary shopping area, or the character/appearance of the street scene. The proposal would have some impact upon the amenity of nearby residents, but this can be satisfactorily addressed by screening to prevent material harm. No parking has been provided on site but is available within the locality. LCC Highways raise no objections on highway safety grounds. The proposal is satisfactory on flood risk grounds.

The proposal therefore satisfactorily complies with Policies 1, 2, 3, 4, 24 and 26 of the SELLP, 2019. Although there is some conflict with Policy 36 it is outweighed by other factors in favour of the scheme.

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.