DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H18-0922-20**	**Applicant:**	**Mr T Lancucki**
Proposal:	Change of Use from Class F2 (Local Community) Community Hall to Class E (Commercial Business & Service) Veterinary Practice including single front extension and new fencing.		
Location:	Former Royal British Legion Club Gas House Lane Sutton Bridge		
Terminal Date:	15th January 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Paragraph 127 of Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	2
RESIDENTS	3	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks permission to change of use from Class F2 (Local Community) Community Hall to Class E (Commercial Business & Service) Veterinary Practice including single front extension and new fencing at Gas House Lane, Sutton Bridge, Spalding.

Site Description

The building is backland development to the terraced houses from No. 156 to 146 onto Bridge Road. Gas House Lane is an unadopted lane poorly paved that becomes narrow as it approaches the proposed site. No. 1 Gas House Lane is to the west of the proposed building. There is extant permission to develop a pair of semi-detached house which will be also accessed from Gas House Lane. The lane provides vehicular access to the rear of No. 150 and 148. To the east, a public car park and further away the cul-de-sac end of King Street. To the north, playing fields.

The building has a trapezoidal shape. The roof is flat and there is a lean-to extension on the eastern side elevation. The openings are boarded and is visibly vacant.

History

None.

Consultation Responses

Members of the public

Three residents raised objections in the following terms:

- Concerns about staff and visitors cars being parked in Gas House Lane.
- Lack of car parking provision for the proposed veterinary practice.
- Noise and disturbance due to the car movements.
- Overflowing events have occurred from surface water runoff towards their properties.

Sutton Bridge Parish

Supports this application.

SHDC Environmental Health

No objection.

Request to add the following condition: "Noise from fixed plant and machinery shall not exceed 5d(B) above the background noise level when measured as a 15 minute L(A)eq at any residential boundary not within the applicant's ownership"

LCC Highways/SUDS Authority

No objection.

Reminds that it is the LPA's responsibility to satisfy themselves that the risk of surface water flooding is acceptable.

SHDC Legal Department

Consultation was sought with regard to the existing public car park and the availability of providing car spaces associated to the veterinary practice at such location.

The advice has been that the public car park is for 24 hour (long stay) parking, has no maximum waiting times neither charges. Should parking provision for the veterinary be made on the public car

park, agreement with SHDC Legal Department would be made when parking conditions were altered.

Planning Considerations

Principle of development

The site lies within the settlement boundaries for Sutton Bridge as set out in the South East Lincolnshire Local Plan (SELLP), 2019.

Policy 7 of SELLP 2019 is aimed to deliver employment sites without at expense of sustainable development. It states that "new employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings". The site is not allocated for employment and the proposals entail the conversion of an existing vacant building. Thus, the proposed change of use is acceptable.

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The key material considerations are addressed below.

Design and layout

Paragraph 127 of National Planning Policy Framework (NPPF), 2019 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of SELLP, 2019 goes on to say that considerations shall be met about size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses. In this regard, Policy 3 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The building will have approximately 432 sq. metres of gross internal floorspace including the enlargement of the lean-to extension on the eastern side elevation to create a lobby. The footprint has a trapezoidal shape. The maximum dimensions of the building are 35.90 metres in width, 14.75 metres in depth and 3.50 metres in height.

Internally, there will two accesses to the building. The existing one on the southern elevation onto the rear garden of properties in Bridge Road and an addition one on the eastern side elevation which allow staff and visitors to enter and egress the premises from the public car park.

The existing floor layout will remain, and the proposals will entail the erection of partition walls at the two large open spaces. All rooms will be fit-for-purpose to carry out the veterinary activities. No fenestration is being proposed. The main external alteration will be two signs to advertise the presence of the veterinary business. The assessment of such signage is being made separately under application ref. H18-0923-20. In terms of design and layout, the proposed advertisement is considered appropriate with the building and its setting. Therefore, no detrimental impact will occur upon the visual amenity by reasons of the proposals.

In summary, the building will be internally converted to carry out the activities of the intended veterinary practice. The only external alterations by the installation of signage will be minor and would not detract from the design of the building. By reason of the physical scale of the practice, the principle of permitting such use in a residential area would be acceptable. Therefore, the proposals comply with the aforementioned policies on top of this section.

Residential amenity

No noise and disturbance will be created due to the vehicular movements through Gas House Lane. The levels of traffic will not be excessive and parking provision is made on the furthest point

possible from the residential properties.

The lighting of one of the signage will be of low power and would not cause any impact upon the living conditions of the residents nearby.

SHDC Environmental Health officer was consulted about the proposals. Permission should be conditioned to ensure acceptable noise levels from any fixed plant and machinery.

On balance, the development complies with residential amenity which is one of the key principles of design and development management as set out in Policies 2 and 3 of SELLP (2019). Policy 30 of SELLP 2019 is aimed to prevent proposals that create unacceptable noise and light pollution. This application also complies with it.

Highways safety and parking provision

Resident objections pointed out that parking in Gas House Lane would obstruct access to the rear gardens of properties onto Bridge Road. Furthermore, given the scale of the veterinary practice and the narrow layout of the lane, cars might be likely parked in Bridge Road leading to further pressure on this busy highway. LCC Highways Authority has raised no objection in respect of highway safety.

In any case, it was also case officer's concern about the absence of car parking provision. The adjoining car park to the east accessed from Kings Street is owned by South Holland. Consultation was made with SDHC Legal team about the suitability of parking provision associated to the vet practice. In principle, the car park is of public use and the vet practice could use for staff and visitors without restriction. Revised plans were submitted under request including six spaces on the public car park.

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. A veterinary practice would be the 'old' Class D1. 1 space per 2 staff is required. The total number of staff would be 7 staff which means 3.5 spaces should be provided. Therefore, six spaces as proposed would ensure sufficient parking provision to staff and visitors. The proposals accord with Appendix 6 of SELLP, 2019.

Gas House Lane is the only vehicular access to three residential properties. To dissipate any concerns of potential conflict in the future, it is recommended to condition the planning permission in order to ban the parking in Gas House Lane.

Flood risk and drainage

Some of the resident representations reported overflow from the building to their plots when heavy rainfalls occur.

It has been confirmed that the building benefits from connection to the mains sewer. Guttering was observed across all the elevations during the site inspection. Any event of excessive surface water might be associated with the poor maintenance of the building after years of abandonment. It is likely that flood risk would be reduced once the guttering has been cleaned and overall the surface has been tidied up.

Planning balance

The principle of converting the building into a veterinary practice is acceptable. It will bring back to use a building that has been abandoned for years. The proposals have been carefully assessed and no unacceptable harm is anticipated by overall reasons of residential amenity.

Once the proposals have been appropriately amended, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the planning policies taken as a whole.

Conclusion

The proposals comply with Policies 1, 2, 3, 7, 30, 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019; and Paragraph 127 of the National Planning Policy Framework (NPFF), 2019.

It is accordingly recommended to approve this planning application via delegated powers.

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.