DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-1020-22**	**Applicant:**	**Mr M Baxter**
Proposal:	Change of use of first floor premises to self contained flat - retrospective		
Location:	24 Bridge Road Sutton Bridge Spalding		
Terminal Date:	20th December 2022		

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
10	Meeting Assessed Housing Requirements
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development
Section 3. Plan-making
Section 4. Decision-making
Section 12. Achieving well-designed places
Section 14. Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	1
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for change of use of the first floor into a 2 bedroom flat. No external changes are proposed.

Access to the flat remains the same. It has a shared private access from High Street.

Site Description

The site is located on Bridge Road in Sutton Bridge. The ground floor is a fast food takeaway (Baxter's fish and chips) and the first floor was used for storage and has now been converted back to a flat. The immediate street scene comprises mainly commercial/retail units on the ground floor and residential on first floor. River Nene is located to the east, approximately 115 metres away. The site does not benefit from off-street parking provision but on-street parking is available to the front.

History

H18-0521-07 - Remove bay window and install sliding sash window - Approved

H18-0726-98 - New shop front - Approved

Consultation Responses

Cllr C J T H Brewis

Advises that he knows the applicant but has no interest in the application/site. No objections as the proposal restores a use which existed a number of years ago.

Sutton Bridge Parish Council

Supports the application as it restores the former use.

Environment Agency

Objection as the site is within flood zone 3 with a high risk of flooding and no flood risk assessment has been submitted to demonstrate the development is safe without increasing risk elsewhere.

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission.

Planning Considerations

Principle of development

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 site is inside the Sutton Bridge Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 indicates that within the settlement boundaries of the Main Service Centres, 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.

The site is also within the defined settlement limit and is relatively close to facilities. It is a sustainable location for the proposed use. In addition, residential use is already established on the site and the proposal restores the first floor to its former use.

The proposal therefore satisfactorily complies with Policy 1 of the SELLP in locational terms, subject to other material planning considerations.

Character and Appearance

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 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. Policies 2 and 3 of SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses.

The proposal does not involve any external alterations therefore no unacceptable impact would result on the street scene/character of the area.

As such the development is considered to accord with Policies 2 and 3 of the SELLP and the Section 12 of the NPPF.

Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The proposal restores the first floor to its former residential use therefore it is not considered to result in significant increased noise levels and would not therefore harm the amenity of nearby residents to a significantly greater degree than at present. No new external window openings are proposed therefore there would not be any increased overlooking/loss of privacy.

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

Parking/Highway safety

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision upon the use class. One off-street parking space is required for each bedroom. The scheme proposes 2 bedrooms therefore 2no off-street parking spaces would be expected.

There is no off-street parking provision within the site, however, given the scheme restores the first floor to its former use and given there are a wide range of services available and the site is within convenient walking distance of a bus stop the scheme could not reasonably be resisted. As such on balance the proposal can be accepted even though it does not comply with the current parking standards.

The Local Highway Authority has not raised any objections to the proposed scheme given the village centre location and does not consider that it would be necessary for residents of the flat to use private vehicles on a daily basis.

As such the proposal can on balance be accepted.

Flood risk/Drainage

Policy 4 of the SELLP relates to flood risk management and states that new development will be permitted if appropriate flood resistance and resilience measures are proposed (criterion c); it incorporates the use of Sustainable Drainage Systems (SuDS) (criterion e); and demonstrates that adequate foul water treatment and disposal already exists or can be provided in time to serve the development (criterion g).

The site is within Flood Zone 3 on the Environment Agency Flood Maps. The Environment Agency has objected to the proposal on grounds that no flood risk assessment has been submitted to demonstrate the development is safe without increasing flood risk. The concerns are noted, however, as the proposal relates to first floor development and conversion of an existing building no site specific flood risk assessment is required. The proposal is therefore considered satisfactory on flood risk grounds and in accordance with Policy 4 of the SELLP.

The drainage arrangements for the site remain as existing.

Planning Balance

The proposal involves change of use of the first floor into a 2 bedroom flat. The proposal would not materially harm the character or appearance of the area as no external alterations are proposed. It would not harm the amenity of neighbouring residents to a significantly greater degree than at present given the area is a mixture of commercial and residential no new window openings are proposed. There is no off-street parking provision within the site, however, the scheme restores the first floor to its former use and given there are a wide range of services available and the site is within convenient walking distance of a bus stop. As such on balance the proposal can be accepted even though it does not comply with the current parking standards.

On balance, any adverse impacts of granting permission to the proposals would not significantly and demonstrably outweigh the benefits, when assessed against the planning policies taken as a whole.

Conclusion

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 proposal on balance accords with Policies 1, 2, 3, 4, 10, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) as well as Sections 2, 3, 4, 12, and 14 of the National Planning Policy Framework 2021. It is therefore recommended that the application be refused under 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.

RECOMMENDATION

The application is approved under delegated powers.