DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-1213-21**	**Applicant:**	**Mr & Mrs Gittins**
Proposal:	Change of Use from furniture showroom to domestic dwelling		
Location:	102 Bridge Road Sutton Bridge Spalding		
Terminal Date:	18th January 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

Schedule 2, Part 3, Class M - General Permitted Development Order

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

The application is for a change of use of a furniture showroom (class E) to a dwellinghouse (class C3) under Part MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Site Description

The site is located on Bridge Road in Sutton Bridge. It comprises a two storey semi-detached building. The building is cream painted and has a bay window to the front at ground floor level. The site has been used as a furniture showroom for several years however, there is no relevant planning history for the site so it is not clear if this was the original intended use of the property or if it was changed from a dwelling to a shop at some point. There is an antiques shop to the east and the remaining immediate area is primarily residential. On street parking is available to the front of the site.

Planning History

No relevant planning history.

Consultation Responses

LCC Highways/SUDs

Does not wish to restrict the grant of permission

Environment Agency

In the absence of a flood risk assessment (FRA) this prior approval application would be unacceptable.

Environmental Protection

No comments or objections.

Planning Considerations

Class MA 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 change of use of a building from:
(i)a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order;
(ii)a use as a betting office or pay day loan shop, or
(iii)a mixed use combining use as a dwellinghouse withÃ¢??
(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.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 street parking is available and the proposed scheme would reduce traffic to/from the site. LCC Highways does not wish to restrict the grant of permission on highway safety grounds.

Contamination Risks - Environmental Protection has raised no objections with regards to noise or contamination.

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. No site specific Flood Risk Assessment has been submitted therefore flooding risks in relation to the building cannot be fully assessed. The Environment Agency has also objected on this basis.

Desirability - The site is just within the Sutton Bridge settlement boundary defined within the South East Lincolnshire Local Plan, 2019. It is considered that the loss of the shop would not materially harm the viability or vitality of the town centre.

Design/external appearance - No external alterations are proposed therefore there would not be any discernible difference in the appearance of the site.

Planning balance

The proposal does not accord with criteria within Class MA, Part 3 of Schedule 2 of the General Permitted Development Order 2015 (as amended).

Conclusion

Prior approval will be required as to the flooding risks in relation to the building.

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.