1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Issues raised merit Committee consideration.

2.0 PROPOSAL

2.1 The application seeks full planning permission for a change of use from a veterinary surgery into a one bedroom self contained flat. The premises are within the defined settlement limit for Crowland, adjacent Crowland's defined primary retail area, and within the Conservation Area.

3.0 SITE DESCRIPTION

3.1 The application site is within a mixed use area of some dwellings and small retail units. The retail units are grouped together close to the junction adjacent Trinity Bridge, which is a grade I listed monument.

The property is a single storey building with windows across most of the frontage forming a modern non traditional shop front with small windows. There is a small public car parking area to the front.

There are two dwellings to the rear. Number 2 appears to be accessed via external stairs as a first floor flat. Number 4 abuts the former veterinary surgery and is a dwelling house. It's only entrance door is to the rear of the existing surgery. Beyond the rear garden of numbers 2 and 4, there is a building company with timber in the rear garden and some LPG tanks in connection with the business which are well secured.
The rear of a shop in East Street backs onto the side of the vets, and a retail shop is located to the other side of the side access road. A commercial building is also located to the rear of the access road. Some shops are located to the opposite side of the road.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South Holland District Local Plan, July 2006

The South Holland Local Plan 2006 was formally adopted on 18 July 2006. Following a direction from the Government Office for the East Midlands under paragraph 1(3) of Schedule 18 to the Planning and Compulsory Purchase Act 2004, as of 18 July 2009 only certain Local Plan policies have been extended and continue to form part of the development plan. In the context of those saved policies referred to below, it is considered that the Local Plan was adopted in general accordance with the Planning and Compulsory Purchase Act 2004 (albeit under the transitional arrangements). Those policies referred to below are considered to accord with the thrust of guidance set out in the National Planning Policy Framework, and in the context of paragraph 215 of the NPPF should therefore continue to be given substantial weight in the decision making process.

Policy SG1
Policy SG17
Policy SG20
Policy EC3

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Guidance

National Planning Policy Framework (NPPF), March 2012

Paragraph 14 - The presumption in favour of sustainable development
Paragraph 17 - Core planning principles
Section 6 - Delivering a wide choice of high quality homes
Section 7 - Requiring good design
Section 8 - Promoting healthy communities
Section 10 - Meeting the challenge of climate change, flooding and coastal change
Section 12 - Conserving and enhancing the historic environment.

Planning Practice Guidance (PPG), 2014

5.0 RELEVANT PLANNING HISTORY

5.1 None

6.0 REPRESENTATIONS

6.1 Crowland Parish Council:
Has no objections to this application. However would like to see the exterior decor in keeping with the surrounding area. We would point out that the referenced parking area is in fact part of the highway and not reserved for this property.

6.2 SHDC Environmental Protection:
No comments.

6.3 LCC Highways/SUDS:
Does not wish to restrict the grant of permission.

6.4 Public:

Representations received from 3 local residents:
- Will affect a listed building.
- would be the removal of the only remaining commercial unit in the town centre, removing business opportunity, and
- residential occupants would park there removing the existing parking spaces currently available for customers to other retail units nearby.

Particular concerns raised by the occupant of number 4 South Street include the following:
- toilet smells adjacent his front door.
- Windows overlooking the garden which is currently private.
- Change of use would create more noise and disturbance to neighbours. No noise insulation added
- The right of way is also a concern as the use of the back door may lead to occupants parking the car within the access obstructing passage. Numbers 2 and 4 have only the back gate to gain access to their homes for convenience. He would much prefer the front entranceway to be used for the main access into the dwelling. The side exit was previously used as a fire escape only. He would find the application would not be so objectionable if the toilet window was removed, soundproofing added and the entrance was the original entrance to the front.

6.5 Agent

The agent makes the following statement in support:
We confirm as shown on the drawings that the existing veterinary use of the building has a front door on the street elevation and also a side door on the right of way elevation. There has been no issues of vehicle parking alongside the existing side door which would completely obstruct the right of way used by the adjoining owners. The proposed change of use to a one bedroom retains both doors and the number of vehicles visiting the property will be vastly reduced and we see no reason for any concerns why any future occupier of the property would unreasonably park a vehicle in the right of way which would completely obstruct the adjoining owners from using the right of way. Parking is available on the South Street elevation, which is the only area that the future occupiers can legally use. If you wanted to state this as a condition it would be acceptable to the applicant.

7.0 MATERIAL CONSIDERATIONS

7.1 Key issues for consideration regarding this application are:
- Policy considerations and the loss of a business/commercial unit
- Residential amenity
- Existing parking, and
- Impact on a listed building,

7.2 Policy considerations and loss of a business/commercial unit:

7.3 The application site is located just outside but adjacent to the retail area of Crowland and within the Conservation Area. As a Sui Generis use, a veterinary surgery is not within a specified use class which can be considered under Schedule 2, Part 3, Class N of the Town and Country Planning (General Permitted Development) Order. The relevant planning policies are therefore Local Plan Policies EC3 - Existing employment areas / premises and The National Planning Policy Framework 2012.

7.4 The National Planning Policy Framework (NPPF) encourages sustainable development. The application site is adjacent the main retail area within Crowland, and within the permitted development boundary. The site therefore has to be considered as sustainable.

7.5 The NPPF also supports economic growth through the planning system in section 1, and in paragraph 21, encourages local authorities to take into account whether business is expanding or contracting and to have a rapid response to changes in economic circumstances, and states in paragraph 22 that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that
Local Plan Policy EC3 states that redevelopment and/or change of use to non employment uses will be permitted where the existing use is unsatisfactory or where the benefit of the proposed use outweighs the need to retain the existing use.

7.6 Crowland has in the past had an empty shop issue with as many as 4-6 shops vacant at any one time. However, the South East Lincs Annual Monitoring Report for 2016/17 shows that this trend has now reversed. In 2016, there was only one empty shop and 2017, there were none recorded. In the current climate, there appears to be a demand for retail units in Crowland. However, the applicant has submitted two letters from estate agents to confirm that over the last 2 years (approximately), he has advertised the empty property for sale or let, but there has been little interest in the site as a retail unit. Some interest was shown by a resident of Crowland as they considered it preferable to keep the premises going as a shop, but even a low rent of just over £6000 per year was unable to secure an occupant to the premises as the interest initially shown was dropped. The shop is not well served by its position. The windows are too high up to allow satisfactory window displays, and the public car parking along the frontage does not help provide any appeal to prospective tenants as the shop front is disadvantaged in appearance and positioning when compared to other surrounding shopfronts. The applicant states 'this particular property with steps up to the floor level and difficulty in providing accessibility and not having any shop frontage is not receiving any interest for renting.' As the NPPF states in paragraph 22, planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

Although the site area is adjacent the retail area and not within it, paragraph 5.46 states that a wide range of uses contributes to the vitality and viability to town centres including hotel and dwellings. Developments which include residential accommodation require careful siting to co-exist satisfactorily with other town centre activities, and to avoid displacing important town centre business frontages.

7.8 Residential amenity:

Many of the concerns from the occupants of number 4 South Street could be addressed by condition, such as an extraction system for the proposed bathroom to prevent odours affecting his residential amenity, the rear bathroom windows are to be opaque and with fixed window restrictors to prevent overlooking.

For the future occupant of the flat, there would be no external residential areas. There is a communal driveway area but no private area for washing to dry, rubbish storage etc. To compensate, there is to be a separate lobby area with a rubbish storage area and cycle storage area built in.

7.11 Existing parking;

There is no external parking area for the flat. The parking to the front will remain a public car parking area. As a single bed flat in the centre of town, there is adequate access to shops, services and accessible public transport services, so parking spaces are not an essential requirement. There is no minimum requirement for parking, and Highways have not objected.

Impact on a listed building:

There are no external alterations required for the building, so there should be little or no impact on the listed building.

Conclusion:

Although the ideal would be to maintain the building as a retail shop, the applicant has shown that it has been empty for just under two years, and there has been little interest in it as a retail unit. The applicant points out that the appearance of the building and steps to the front door of
the premises has contributed to the lack of interest, especially when coupled with the public car park area along the frontage which hides the entrance way into the building. A flat in this location would not be harmful to the area and would contribute to the provision of housing within Crowland. It would also give further use to an otherwise empty building.

8.0 RECOMMENDATIONS

8.1 Grant Permission subject to those Conditions listed at Section 9.0 of this report.

9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.


2. The development hereby permitted shall be carried out in accordance with the following approved plans:
   dwg. no. 16236-001A and letter from the agent (dated 13 September 2017).

   Reason: For the avoidance of doubt and in the interests of proper planning.

3. Extract ventilation shall be provided for the toilet area within the development hereby permitted. Full details of the design, appearance and location of the extraction equipment including external flues shall be submitted to and approved in writing by the Local Planning Authority, and thereafter maintained.

   Reason: To ensure that the Local Planning Authority retains control over these matters, in the interests of the character and appearance of the development and of this part of the Conservation Area in which it is set, and to protect the amenity of nearby residents. This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan, 2006, and national guidance contained in Section 12 of the National Planning Policy Framework, 2012.

4. Notwithstanding the details submitted, the following windows shall be obscure glazed using Grade 5 glass with window restrictors to prevent the windows opening fully, and thereafter so maintained:

   - the 2 bathroom windows to the rear elevation.

   Reason: To prevent overlooking in the interests of the amenity of nearby residents. This Condition is imposed in accordance with Policy SG17 of the South Holland Local Plan, 2006 and with national guidance contained in Section 7 of the National Planning Policy Framework 2012.

Background papers:- Planning Application Working File

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Appendices attached to this report:
Appendix A Plan A