

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 11 March 2020

(Author: Lucy Buttery - Principal Planning Officer)

Purpose: To consider Planning Application H16-0034-20

Application Number: H16-0034-20

Date Received: 15 January 2020

Application Type: S73A CONTINUATION

Description: Change of use of part of residential dwelling to D2 use (assembly and leisure) - approved under H16-0512-18. Modification of Condition 3 to allow more versatility and offer a wider range of uses.

Location: THE SESSIONS HOUSE SHEEP MARKET SPALDING

Applicant: Mr Sneath

Agent: Mr Sneath

Ward: Spalding St Johns

Ward Councillors: Cllr M Hasan
Cllr J D McLean

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0034-20>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The applicant is related to a District Councillor.

2.0 PROPOSAL

2.1 This is an application to modify Condition 3 of H16-0512-18 to allow more versatility and a wider range of uses at the Sessions House, Sheep Market, Spalding.

2.2 Permission was granted under application ref. H16-0512-18 in July 2018 for the change of use of part of the residential dwelling to D2 use (assembly and leisure). The part of the building this permission relates to is the former court room, the adjacent room and a rest room. The residential element of the building remains completely separate.

2.3 Condition 3 of that approval restricts the permission specifically to use for civil marriages and partnerships only, and no other use in the D2 use class.

2.4 The applicant is now seeking to amend the current permission to also allow the following uses at the venue:

- Naming ceremonies
- Civil funerals
- Renewal of vows ceremonies
- Baby showers
- Wedding receptions
- Engagement celebrations
- Venue hire for performance events

- Wakes
- Corporate hire events
- Private hire events
- Local amateur dramatics and local musician performances
- Venue hire for training courses, seminars, conferences
- Private dining events
- Art exhibitions

2.5 The maximum capacity of the venue is 160 people.

3.0 SITE DESCRIPTION

3.1 The site is located in the centre of Spalding to the west of the Sheep Market car park. There are a range of uses in the area which typifies its central location, such as retail, restaurants, residential properties and car parks.

3.2 The Sessions House is Grade II Listed and lies within the Spalding Conservation Area.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

South East Lincolnshire Local Plan, March 2019

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.

Policy 1 - Spatial Strategy
 Policy 2 - Development Management
 Policy 3 - Design of New Development
 Policy 24 - The Retail Hierarchy
 Policy 29 - The Historic Environment
 Policy 30 - Pollution

National Guidance

National Planning Policy Framework (NPPF), 2019

Section 7 - Ensuring the vitality of town centres
 Section 16 - Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H16-0512-18 - Change of use of part of residential dwelling to D2 use (assembly and leisure) (approved July 2018)

5.2 H16-1017-16 - Change of use of Sessions House to residential, including internal alterations (approved January 2017)

6.0 REPRESENTATIONS

6.1 LCC Highways/SUDS

Does not wish to restrict the grant of permission.

6.2 SHDC Environmental Protection

No objection.

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Principle

7.3 The site is located within the settlement boundary for Spalding, as set out in the South East Lincolnshire Local Plan (2019). Policy 1 (Spatial Strategy) of the Local Plan identifies Spalding as a Sub-Regional Centre, within the settlement boundary of which, development will be permitted that supports its role as a Sub-Regional Centre. This is expanded upon at paragraph 3.2.5 of the Plan where it is highlighted that Spalding needs to continue to accommodate the level of services and economic opportunities for the benefit of communities over a widespread area.

7.4 Given that the applicant is seeking permission to provide a wider range of uses within the building - including leisure and arts, training/education and corporate functions and those related to births, deaths and marriages - the proposal is considered to be in accordance with the aims of Policy 1 to ensure that Spalding continues to provide services, facilities and economic benefits for the wider area.

7.5 In terms of the Local Plan's retail provisions, the site is not located within the Spalding Town Centre boundary, Primary Shopping Area nor Primary Shopping Frontage, as shown on Inset Map No. 2 of the the Plan.

7.6 Policy 24 of the Local Plan requires proposals for retail and other main town centre uses outside the town centre boundaries to demonstrate their suitability through a sequential test in line with the National Planning Policy Framework (2019) (NPPF). 'Main town centre uses' are defined in the NPPF as: '*Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)*'. Clearly, some of the additional uses proposed fall within this definition and, given that the site falls outside of the Spalding Town Centre boundary as defined in the Local Plan, a sequential test would normally be undertaken as per paragraph the Local Plan/NPPF. However, the site in question is logically perceived as being within the town centre of Spalding and it sits immediately adjacent to the boundary indicated on Inset Map No. 2 of the Local Plan. It is therefore not considered that it would be reasonable to apply the sequential test in this instance.

7.7 In addition to the above, Paragraph 89 of the NPPF states that for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold. The locally set threshold for Spalding is 250m² (Policy 24 of the Local Plan). The floorspace of the area subject to the change of use amounts to approximately 200m² meaning that an impact assessment is not required.

7.8 Highways and parking

7.9 The Highways Authority have no objections to the proposal on highways grounds. The access arrangements would remain as existing. The proposal is therefore considered to be in accordance with Policy 2 of the Local Plan which requires it to be demonstrated that access will be acceptable.

7.10 Appendix 6 of the Local Plan sets out minimum parking standards for new development. The proposed uses fall within Use Classes D1 and D2. However, specific parking standards are not provided for D2 uses nor D1 uses other than nursery, primary or secondary schools or further or higher education. In cases where there are no specific standards, it is advised that such development should be assessed on a site-by-site basis. In this case, the site is located

centrally in Spalding and the nearest all day car park is approximately 100m away (Victoria Street). This accommodates some 201 standard spaces, plus 5 disabled spaces. There are also other all day car parks located in the centre of town, albeit further away. There is space within the curtilage of the building for cycle parking. The Highways Authority, in their response, also considered the site's close proximity to the town centre of Spalding where there is ample parking and also parking within the site. Given this, there is not considered to be any conflict with Policy 36 (Vehicle and Cycle Parking) and Appendix 6 of the Local Plan.

7.11 Residential amenity

7.12 There are residential properties located to the rear and south-east of Sessions House, as well as to the north-west above shop units located on Victoria Street. However, as previously mentioned, the site is located in a town centre location and there are existing restaurants and drinking establishments in close proximity to the application site which are open until late night - e.g. Gurkha Oven, Golden City, Pied Calf Yard and Priors Oven. As a result, background noise levels would ordinarily be expected to be higher than in a predominantly residential area.

7.13 South Holland District Council's Environmental Protection Officer has no objections to the proposal.

7.14 Although no definitive hours of use have been proposed, Environmental Protection colleagues have advised that any event where hot food and drinks are served later than 11pm would require a premises licence, which would provide the opportunity for restrictions to be imposed if considered necessary by the licencing team. Furthermore, the building also acts as the applicant's family home so they do not wish to be regularly hosting events which finish late at night and events would only take place at weekends due the working hours of those who manage the events. 3 weddings have taken place to date at the venue, with the latest guests leaving at 11pm.

7.15 Taking the above into account, the proposal is considered to be in accordance with Policies 2, 3 and 30 of the Local Plan in terms of their provisions on residential amenity.

7.16 Historic environment

7.17 The building is Grade II listed and lies within the Spalding Conservation Area, however no physical alterations are proposed to the building and so the proposal will not have an adverse impact on the character and appearance of the area or the historic significance of the building. Rather a wider range of uses being permitted will help support its ongoing conservation.

7.18 This is in accordance with Section 16 of the NPPF which highlights the desirability of sustaining the significance of heritage assets and putting them to viable uses consistent with their conservation. It is also in accordance with Policy 29 of the Local Plan which states that proposals to change the use of a Listed Building will be granted where the Local Planning Authority is satisfied that the proposal is in the interest of the building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting. It also states that proposals within a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. It is also in accordance with Policies 2 and 3 of the Local Plan in respect of their provisions for the historic environment.

7.19 **Additional Considerations**

7.20 Public Sector Equality Duty

7.21 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.

- 7.22 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.23 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.
- 7.24 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.
- 7.25 Human Rights
- 7.26 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).
- 7.27 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.
- 7.28 Conclusion
- 7.29 Taking the above into account, the proposal is considered to be in accordance with Policies 1, 2, 3, 24, 29, 30 and 36 of the South East Lincolnshire Local Plan (2019) as well as Sections 7 and 16 of the National Planning Policy Framework (2019).
- 7.30 The recommendation is therefore to approve.

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 hereby permitted shall be carried out in accordance with the following approved plans:

Accompanying H16-0034-20:
Site location plan

Accompanying H16-0512-18:
Proposed floor plans

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), the premises shall be used only as a venue for the uses listed below and for no other purpose (including any other purpose in Class(es) D1 and D2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (as amended), or in any Order or Statutory Instrument revoking and re-enacting that Order).

- Civil marriage and partnership ceremonies
- Naming ceremonies
- Civil funerals
- Renewal of vows ceremonies
- Baby showers
- Wedding receptions
- Engagement celebrations
- Venue hire for performance events
- Wakes
- Corporate hire events
- Private hire events
- Local amateur dramatics and local musician performances
- Venue hire for training courses, seminars, conferences
- Private dining events
- Art exhibitions

Reason: To ensure that the Local Planning Authority retains control over the future use of the premises/site in the interests of residential amenity.

This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

3. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

Background papers:- Planning Application Working File

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

