

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0056-21 **Applicant:** Cross Bros Ltd.
Proposal: Conversion of first and second floors to 4 flats, including rear extension and shop front alterations
Location: 30 West End Holbeach Spalding
Terminal Date: 19th March 2021

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
11	Distribution of New Housing
24	The Retail Hierarchy
26	Primary Shopping Frontages
29	The Historic Environment
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 9, 12, 14 and 16.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE	0	0	0	1

BOARD				
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CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought to convert the first and second floors (currently showrooms/store, etc) to 4 flats, including a rear first floor extension and shop front alterations.

Site Description

The site is located in Holbeach town centre and is within the Primary Shopping Area and Conservation Area. Residential properties (nos. 32 and 34 West End) are located to the west, which are grade II listed. Retail premises (One Stop) are situated to the east.

History

H09-1049-98 - Full - Office extension and alterations, Cross Bros. - Granted 10 December 1998.

Consultation Responses

Holbeach Parish Council - No comments received.

LCC Highways/SUDs - Does not wish to restrict the grant of permission.

SHIDB - Recommend drainage strategy.

Public - No comments received.

Planning Considerations

The main issues in this case are:

- Principle;
- Character/appearance including the effect of the development upon the setting of nearby listed buildings;
- The likely effect upon the amenity of nearby residents;
- Highway safety;
- Other material considerations.

Principle

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 within Holbeach Primary Shopping Area as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 24 is therefore applicable. It indicates the following:

In the District Centre of Holbeach and the Local Centres of Crowland, Donington, Kirton, Long Sutton and Sutton Bridge, town centre uses will be permitted where they, on their own or cumulatively with other permitted development, will generate no significant harm upon the vitality and viability of that centre or any other centre within the hierarchy, particularly with regard to their role for food shopping.

Addressing the above, the ground floor retail premises would be retained with the first and second floor changed to residential units. It is considered that such development would not harm the viability/vitality of the town centre and would ensure that the whole of the building was in active use.

The site is considered to be a sustainable location for residential development.

Character/Appearance/Heritage

The site is within Holbeach Conservation Area. Nos. 32 and 34 West End to the west are grade II listed, along with two cottages (nos. 12a and 15 West End) almost opposite.

Policy 2 of the SELLP states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 stipulates that development should respect the massing of neighbouring buildings.

In accordance with the duty imposed by Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, Section 66(1) of the same Act requires that special regard must be had to the desirability of preserving the setting of listed buildings. Moreover, paragraph 193 of the National Planning Policy Framework (NPPF) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Policy 3 of the SELLP stipulates that development should complement and enhance designated and non-designated heritage assets, whilst Policy 29 (The Historic Environment) indicates that proposals within, affecting the setting of a conservation area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. It also states that proposals that do not preserve or enhance the setting of a listed building should not be supported.

The above policies are consistent with advice within the National Planning Policy Framework, 2019. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 194 indicates that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The building in question is a prominent building, however, is not listed. The proposal is to replace part of the shop frontage to enable double doors to be used as the shop entrance for customers and also larger deliveries. The rest of the shop front would be sanded and re-painted as necessary with the replacement of the flat roof, which now leaks. The rear extension would be a new central gabled element over the existing flat roof, linking the existing buildings. It would be constructed using facing brickwork to match, slate roof and timber painted windows and doors. It would not be readily open to public view, especially from West End. It is considered that the proposal would not harm the character/appearance of Holbeach Conservation Area or the setting of the neighbouring listed buildings, subject to conditions relating to the shop front.

The proposal therefore satisfactorily complies with Policies 2, 3 and 29 of the SELLP in this respect.

Amenity

A house in multiple occupation (no. 32) is located to the west and retail premises to the east. Openings serving the front section of the building would largely remain unaltered and mainly front West End. An external staircase would remain alongside No. 32. The rear extension would largely overlook a rear yard and would be separated from No. 32 to the west by an existing showroom area. It is considered that the amenity of neighbouring occupiers would not be harmed to a significantly greater degree than at present in terms of overlooking, lack of privacy, overshadowing, overbearing effect or noise and disturbance. This is also bearing in mind that residents living in the town centre normally have a lower level of amenity due to higher ambient noise levels.

Refuse storage areas are not shown on the submitted drawings and should therefore be made the subject of a condition.

The proposal therefore satisfactorily complies with Policies 2, 3 and 30 of the SELLP in this respect.

Highway Safety

Although there is no formal parking provision for this application, the development site is located within a highly sustainable position within the Town Centre of Holbeach, where there is a range of services, facilities, employment provision and public modes of transport options for the renovation and conversion to flats.

LCC Highways have indicated that they would expect the main mode of transport to be either walking or cycling, which would greatly reduce the need for vehicle use, due to its location. Consequently, parking is not essential for this proposal. Nevertheless, public parking facilities are available for use within the locality if required. LCC Highways does not wish to restrict the grant of permission on highway safety grounds.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the SELLP in this respect. Although the proposal includes no on-site parking, as required by Policy 36 of the SELLP, this is outweighed by other factors in favour of the scheme.

Other Material Considerations

Affordable Housing - The number of flats proposed is below the threshold for affordable housing.

Flood Risk - The site is with Flood Zone 1 as defined within the Environment Agency Flood Maps and within an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment. The proposal therefore passes the sequential test in terms of flood risk.

Drainage - Foul water would be disposed of via the mains sewer and surface water via soakaways, as at present.

Planning Balance

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 would provide additional residential accommodation within the town. It would not harm the viability/vitality of the town centre, nor the character/appearance of Holbeach Conservation Area or the setting of nearby listed buildings. There are no objections on highway safety grounds or flood risk. The proposal therefore satisfactorily complies with Policies 1, 2, 3, 4, 29 and 30 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2019.

Although the proposal includes no on-site parking, as required by Policy 36 of the SELLP, this is outweighed by other factors in favour of the scheme.

Conclusion

The planning balance lies in favour of the proposal.

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

Grant permission under delegated powers.