

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H09-0586-19	Applicant:	T & S Property Investments Ltd
Proposal:	Renovation and conversion to create 5 flats		
Location:	19 High Street Holbeach Spalding		
Terminal Date:	2nd October 2019		

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
11	Distribution of New Housing
24	The Retail Hierarchy
26	Primary Shopping Frontages
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

2, 3, 4, 5, 6, 7, 8, 9, 12, 14 and 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HOLBEACH & DISTRICT CIVIC SOCIETY	0	1	0	0

SHDC INTERNAL	0	0	0	1
RESIDENTS	2	0	1	1

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought to convert the first and second floors and also a rear building into 5 flats. The existing use on the ground floor (takeaway) would be retained.

Access to the commercial premises would be via the existing shop access along High St and the side access to the kitchen. The 3 apartments within the main building would be accessed via a new access in the rear yard from the Chequers walkway leading to the existing staircase, or alongside the existing building. Access to the two units at the rear would be via the Chequers walkway and rear yard/car park.

It should be noted that the number of residential units has been reduced from 6 to 5 due to amenity issues relating to the units at the rear in particular.

Site Description

The site is located in the centre of Holbeach and is within the Conservation Area. All Saints' Church (grade I listed) is situated opposite. The Bell Inn is located to the east and a vacant takeaway is situated to the west. A car park associated with the Chequers is situated to the north.

History

H09-0526-08 - Continuation of use as take-away (Class A5) - Granted 9 June 2009

Consultation Responses

Holbeach Parish Council - Support

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

Environmental Protection - No objections.

Holbeach & District Civic Society - The survey is old, and the property would have further deteriorated. However, it is either renovate or rebuild.

Public (summarised):

Overdevelopment; No regard to surrounding context and impact on neighbouring dwellings; "Door A" shown on land registry plan perfectly suitable for removal of refuse from ground floor takeaway but unsuitable for access to residential units; Rear units face and open directly onto Chequers car park; No landscaping or buffer zones; Rear units close to and have outlook onto Chequers refuse area - unsightly and dangerous; Fire risk; Rear top floor bedrooms only serviced by roof lights with unsatisfactory outlook; Overlooking of rear courtyards from roof lights; Blockage of light; Parking and bin storage issues; Rear units do not appear to have no bin storage areas; Foul and surface water drainage issues; Right of way for deliveries to a bakery and not potential footfall to flats; Where will applicant store materials, plant and gain access for deliveries - require construction method statement; Cause maintenance disputes.

Information from applicant (summarised):

The current site is in need of major renovation to improve the street scene. The building is not listed but over the years has suffered due to lack of maintenance. No 17 High Street has structural issues

which have caused problems within 19 High Street.

The existing appearance of the building will be improved by a re-roof, repair of timber windows, new guttering and to be re-rendered and painted. The building requires improvements to upgrade the appearance to High Street. The disused bakery will be re-painted, new windows and doors and a pitched roof finished with slate to match the main building.

The scale of the development is in line with the recently approved planning applications along High Street (eg, the Chequers and the Bell Inn) and is suitable with the layout and scale of the existing building.

Planning Considerations

The main issues in this case are:

- Principle;
- Character/appearance including the effect of the development upon the setting of All Saints' Church, which is grade II listed;
- The likely effect upon the amenity of nearby residents;
- Highway safety;
- Other material considerations.

Principle

The site is within Holbeach Primary Shopping Area as defined in the South East Lincolnshire Local Plan, 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 takeaway would be retained with the remainder changed to residential units. It is considered that such development would not harm the viability/vitality of the town centre and would bring the whole of an important redundant heritage building within the town centre back into active use. The site is considered to be a sustainable location for residential development.

Character/Appearance/Heritage

No alterations are proposed to the front facade of the building. The alterations at the rear, including a new roof, are considered to be sympathetic. It is considered that the proposal would not harm the character/appearance of Holbeach Conservation Area or the setting of All Saints' Church (grade I listed).

Some internal alterations are proposed. However, the building is not listed and such works could be undertaken as permitted development.

Amenity

New openings and rooflights are proposed within the rear building and mainly overlook the Chequers car park. Two rooflights on the southern elevation are associated with a stairwell and rooflights on the eastern elevation would overlook the rear of no. 25 at an oblique angle. It is considered that occupiers of the flats would have a satisfactory level of amenity not dissimilar to similar facilities within the vicinity and the site's town centre location. The amenity of neighbouring occupiers would not be materially harmed in terms of overlooking and lack of privacy.

The new roof is located to the north of existing buildings fronting High Street. There would be no significant overshadowing or overbearing effect.

Access to the commercial premises would be via the existing shop access along High St and the side access to the kitchen. The 3 apartments within the main building would be accessed via a new access in the rear yard from the Chequers walkway leading to the existing staircase, or alternatively, alongside the existing building. Access to the two units at the rear would be via the

Chequers walkway and rear yard/car park. It is considered that the amenity of nearby occupiers would not be harmed to a significantly greater degree than at present in terms of noise and disturbance.

Concerns have been raised over whether the applicant has a right of way over the Chequers car park to access the properties. In this respect, the applicant has submitted Land Registry documentation indicating that they have "a right of way with or without vehicles from the door marked "A" to and from High St, Holbeach". Any dispute is a civil matter between the respective parties.

Refuse storage areas have been provided, including internal facilities within the flats at the rear. The facilities provided are considered to be acceptable.

Issues have been raised in relation to fire risk. This matter falls within the remit of separate legislation.

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 has 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. Notwithstanding this fact, public parking facilities are available for use within the locality. LCC Highways does not wish to restrict the grant of permission on highway safety grounds.

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.

Conclusion

The ground floor takeaway would be retained with the remainder of the building changed to flats. It is considered that such development would not harm the viability/vitality of the town centre and would essentially help to bring an important heritage building within the town centre back into active use. The site is considered to be a sustainable location for residential development.

The proposal would not harm the character/appearance of Holbeach Conservation Area or the setting of All Saints' Church (grade I listed). The amenity of nearby occupiers would not be affected to a significantly greater degree than at present. LCC Highways does not wish to restrict the grant of permission on highway safety grounds.

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.