DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-0693-21**	**Applicant:**	**S & D Bookmakers Ltd.**
Proposal:	Conversion of first floor into 2 flats.		
Location:	59 High Street Holbeach Spalding		
Terminal Date:	19th August 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

NPPF2021
Section 2. Achieving sustainable development.
Section 3 - Plan Making;
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 9 - Promoting Sustainable transport;
Section 12. Achieving well-designed places.
Section 14. Meeting the challenge of climate change, flooding and coastal change.
Section 16. Conserving and enhancing the historic environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	1

HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0
RESIDENTS	0	1	0	0

CASE OFFICER ASSESSMENT

Proposal

Planning permission is sought to convert the first floor into 2 apartments (1 x 1 bed and 1 x 2 bed).

Site Description

The building is a former HSBC bank and its front facade is of 20th Century construction. It is currently used as a betting shop (S & D Bookmakers). It is located in Holbeach Town Centre and is within the Primary Shopping Area and Conservation Area.

Solicitors offices (Calthrops) are situated to the east (No 61 - grade II listed) and a barbers shop to the west (no. 57). A car park is located at the rear with access via an archway between nos. 57 and 59.

Recent History

H09-577-15 - Full - Replacement of external ATM machine - Granted 23 October 2015

Consultation Responses

Holbeach Parish Council - No comments received.

Cllr. F Biggadike - In keeping with adjoining properties; however, no details submitted on storage and disposal of waste which is concerning for this area.

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

Environmental Protection - No comments or objections.

Public (summarised)

As there is no alteration to the exterior, I can't see a reason to object.

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 first floor is presently only used for an ancillary purpose (eg, kitchen/staff room, office, etc). The use of the ground floor would be retained with the first floor changed to residential units. It is considered that the proposed 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 inside Holbeach Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 indicates that within the settlement boundaries of the Main Service Centres, including Holbeach, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. No objections are therefore raised in principle to residential development.

Character/Appearance/Heritage

The site is within Holbeach Conservation Area. No 61 High Street (grade II listed) is located immediately to the east.

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.

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, 2021. Paragraph 199 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 200 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 within the street scene; however, it is not listed and its front faÃ???§ade appears to be Neo-Georgian. No external alterations are proposed. It is considered that the proposal would not harm the character/appearance of Holbeach Conservation Area or the setting of the neighbouring listed buildings.

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

Amenity

Solicitors offices (Calthrops) are situated to the east (No 61) and a barbers shop to the west (no. 57). A car park is located at the rear with access via an archway between nos. 57 and 59.

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

Access to the flats would be via the archway and a rear entrance door. It is considered that the amenity of the neighbouring area 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 persons living or working in a town centre normally have a lower level of amenity due to higher ambient noise levels.

The document "Technical housing standards - nationally described space standard" was produced by the Department for Communities and Local Government on March 2015 (DCLG). Although it has not been embedded to the Local Plan other than houses in multiple occupation and the sub-division of dwellings, these standards provide some useful guidance to assess whether the proposals are or is not appropriate in this respect. Having regard the width and gross internal floor area (GIFA) of each bedroom, it is concluded that all proposed bedrooms would be above the minimum standards and the future householders would enjoy good living conditions.

Refuse storage facilities are shown at the rear of the property and should be made available for use prior to occupation..

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

Highway Safety

A car park is situated at the rear, formerly associated with the bank. In any case, the site is located within the Town Centre of Holbeach where services and facilities are within reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development would not be reliant on the private car and therefore parking is not essential for this proposal. LCC Highways does not wish to restrict the grant of permission on highway safety/parking grounds.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 of the SELLP in this respect.

Other Material Considerations

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

Flood Risk - The building 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. No flood mitigation measures are considered necessary because the flats are on the first floor.

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 amenity and highway safety grounds, or flood risk. The proposal therefore generally complies with the aims and objectives of Policies 1, 2, 3, 4, 29, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPFF), 2021.

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.

Conclusion

The planning balance lies in favour of the proposal. It is therefore recommended that the application be granted under delegated powers.