

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H09-0763-20 **Applicant:** Mr M Knight

Proposal: Change of use of building to sole residential use to include changes to ground floor window and door

Location: 48 Church Street Holbeach Spalding

Terminal Date: 30th November 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

Sections 12 and 16 of the National Planning Policy Framework (2019)

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This full planning application is for the conversion of the frontage commercial element of 48 Church Street, Holbeach, into C3 residential use, incorporating it into the existing residential unit to the rear and 1st floor of the site, therefore no alteration to the amount of residential provision is proposed. Furthermore, no alterations to the external appearance of the building are proposed apart from the

removal of the shop sign and the replacement of the front door and shop front window with new timber units.

Site Description

The site itself is a fairly non-contributive C19th, originally residential property, now converted into a shop/residency. The property is within the Holbeach Conservation Area, but is not of particular value, however, it does sit on the opposite side of the road to the Grade I listed church and so should be considered to be a part of the setting of that building.

Furthermore, this property is within visual distance of the main town centre area of the Holbeach Conservation Area. The wider setting of this area can be characterised as being a mix of C19th commercial and residential structures.

Relevant Planning History

None.

Consultation Responses

Public

A local resident supports the application with hopes that the signage is removed when implemented.

Local Ward Member - Cllr T Carter

Supports the application.

Planning Considerations

Principle of development

This property is within the Holbeach Settlement Boundary as set out in the South East Lincolnshire Local Plan (2019) and, as such, residential development in this location is acceptable in principle. Whilst the proposal does seek to remove a retail unit, it is noted that this particular property is not within the primary shopping area of Holbeach as defined under the South East Lincolnshire Local Plan 2019. For these reasons, the principle of development is deemed to be acceptable.

Heritage Impact

The Local Planning Authority does not consider there to be any risk presented to the value or significance of any nearby designated or non-designated heritage asset(s). This is because the property, as appreciated from the public realm, will not be altered in any significant manner, only removing the existing commercial signage and replacing the front door and ground floor window with timber units more appropriate to a residential site. All materials proposed are suitable to a conservation area setting and those changes will be minimal enough to not be considered to alter the character of the site in any meaningful way. Due to the neutral impact anticipated, it is considered that this application will help to conserve the historic environment in accordance with Section 16 of the National Planning Policy Framework (2019).

Other considerations

Given that the unit is effectively being returned to a former use, and will be incorporated into the existing residential unit to the rear and at first floor, there are no concerns regarding residential amenity, flood risk or parking.

It is therefore in accordance with Policies 2, 3, 4 and Appendix 6 of the Local Plan in this regard.

Conclusion

For the reasons listed above, it is determined that this application is in accordance with Policies 1, 2, 3, 4, 29 and Appendix 6 of the South East Lincolnshire Local Plan (2019) as well as Sections 12, 14 and 16 of the National Planning Policy Framework (2019).

The application was referred to Chairman's Panel on 27 November 2020 where a delegated approval as agreed.

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.