CHAIRMAN'S PANEL Held On: Unrecognised Format

DECISION DELEGATED TO DEVELOPMENT MANAGER

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| **Application No:** | **H09-1069-19** | **Applicant:** | **Holbeach Cemetery Chapels Ltd** |
| **Proposal:** | Change of use from D1 religious to D1 educational and community including creation of disabled parking, turning bay, diversion of path around building, external alterations and trenching for drainage, water and electrical services | | |
| **Location:** | Holbeach Cemetery Chapels Holbeach Cemetery Park Road | | |
| **Terminal Date:** | 24th January 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 |
| 32 | Community, Health and Well-being |

**National Guidance**

**National Planning Policy Framework 2019**

Section 12 - Achieving well-designed places
Section 16 - Conserving and enhancing the Historic Environment

**Representations:**

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

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|---|---|---|---|---|
| **Route for determination of application** | **Delegated** | X | **Committee** | |

**CASE OFFICER ASSESSMENT**

## Proposal

The proposal is for Listed Building Consent for the change of use of the Holbeach Cemetery Chapel from D1 Religious to D1 Educational and Community, inclusive of the creation of disabled parking and turning area with addition of glazed panels and doors in order to seal the central archway. The creation of new drainage channels will follow the line of the newly introduced glazed wall.

## Site Description

The site is a highly important location within the Holbeach Conservation Area (HCA), being the town's main and historic cemetery, it has immense local significance and itself is a characterful area of the conservation area which contributes a large amount of green open space to the HCA.

The Cemetery Chapel is itself Grade II listed, being a prominent building in the HCA as the lone building in its immediate surroundings and being of a significant height it is visible from a great distance in all directions.

## History

Notification to remove some trees in the Cemetery, Park Road, Holbeach which is in the Conservation Area. 1 Lawson cypress trees, 5 trees on the west side of the Chapels and four on the east side to be removed, to give more space around the Chapels. To be replaced by some small Prunus or whitebeam elsewhere in the Cemetery. TPC Tree Wks consent granted 04/01/13.

## Consultation Responses

Local residents

The proposed use is inappropriate for the area which is supposed to be an area of quiet contemplation and mourning, not a community venue. The cemetery is already too full and these works cannot be carried out without disturbing the graves. Additionally, the area already plays host to a multitude of other community venues (football club, servicemen's club, church rooms, community centre e.t.c) which already create disturbance along Park Road, there is no need for any more.

Holbeach Parish Council

Support. Delighted to see improvements to building and community use of location.

South Holland District Council  Environmental Protection Officer

No Objection

South Holland District Council Environmental Protection Officer

No comments or objections.

Lincolnshire County Council Historic Environment Officer

The office is pleased to see proposals which provide a new use for a Grade II listed building and are supportive of proposals which maintain and enhance community involvement with this asset, with minimal impact upon the building or the surrounding historic designed landscape. It is considered that the proposed new use is the optimum viable use for this asset as defined in paragraphs 184 and 192 of the NPPF (2019).

No archaeological involvement in the ground works is recommended on the basis that there are no known graves in the plan area and the work proposed will only disturb the near surface.

If human remains or any other unexpected archaeology is encountered during the process of works, the developer should contact the Lincolnshire County Council Historic Environment Office immediately, so that they may be recorded.

Lincolnshire County Council as Lead Local Highways and Flood Authority

No objections

## Planning Considerations

Heritage Impact

The Local Planning Authority deems it to be the case that this application will not have a negative impact upon the heritage/historic significance of the grade II listed property, the cemetery setting of the structure or the Holbeach Conservation Area at Large.

This is because (as the Lincolnshire County Council Historic Environment Record have agreed) the proposals represent a wholly appropriate use of the property which will bring it back into use, preserving the property whilst also retaining the property's position as a community asset. Additionally, the proposed glazed walls and accesses at either end of the central arch will have a negligible and positive impact upon the view of the property and will be conducted in a way which is unobtrusive and non-invasive to the listed property and as the works will be taking place in an area for which we have no record of any formal burials and will only disturb the near surface, it appears unlikely that the proposals will have an archaeological impact.

For these reasons, it is determined that this application helps to ENHANCE the value of the designated asset and Holbeach Conservation Officer by bringing it back into use, which will revive the condition of the structure, benefitting both the building and its surroundings.

Design and Layout

The Local Planning Authority seeks no amendment to either the design or layout of the proposals. This is because the design is appropriate to both the area and the host structure. As outlined above, the design is deemed non-obtrusive and not harmful to the character of the building or setting, whilst presenting only a minimal alteration to the visual characteristics of the building, which will retain the view of the characterful archway.

Similarly, the layout is considered acceptable and therefore, no amendment is sought. This is because the proposed layout of both the chapel and the proposed disabled parking area and turning area are deemed suitable for all of their proposed uses and will not have a detrimental effect on the use of the surrounding cemetery.

Residential Amenity

The Local Planning Authority recognises that local objections to the proposals in-part highlight the use of the land, stating that it is inappropriate to the area and will attract anti-social behaviour to the cemetery and the surrounding residential properties which currently enjoy a quiet setting. However, the applicant has recognised that the site is a sensitive one and remains committed to curating the range of events held at the site to remain appropriate without unsettling the immediate environment. This position will also be reinforced by means of conditions applied to the application, if approved, which confine any events to within the building and limit the acceptable levels of noise generation at the site.

In addition, due to the lack of change in the overall scale and massing and exterior shaping of the structure it is deemed that the proposals present no altered risk of overshadowing or overlooking to any surrounding residential properties.

## Conclusion

For the reasons listed above, this application is found to be in accordance with policies 1, 2, 3, 29 and 32 of the South East Lincolnshire Local Plan (2019) and Sections 12 and 16 of the National Planning Policy Framework (2019). Therefore, this application is recommended for APPROVAL.

## 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.