

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-1132-22 **Applicant:** Mr M Francis

Proposal: Change of use of rear ground floor from commercial to self-contained residential unit including internal and external alterations to existing shop

Location: 35-37 High Street Holbeach Spalding

Terminal Date: 7th April 2023

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
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
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	1	0	0	0
WARD MEMBER	0	1	0	0

HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

PROPOSAL

Planning permission is sought for a change of use of a rear section of the ground floor from commercial to self-contained residential unit, including internal and external alterations to the existing shop to provide separate access from High Street.

SITE DESCRIPTION

The building is located on the northern side of High Street and is currently a fabric shop and associated workshop on the ground floor with flats above. It is within Holbeach town centre and is within the Primary Shopping Area and Conservation Area. A betting shop (Betfred) is situated to the east, plus apartments, and a dry cleaner to the west fronting High Street. Residential units are situated to the north beyond the courtyard area (Nos. 15a, 15b and 15c High St) and to the north-east (Nos. 3, 5 and 7 Thomas de Moulton Way). The Mansion House (grade II listed) is situated approximately 15 metres to the east beyond Nos. 39-43 High St.

HISTORY

H09-0237-13 - Full - Alterations to shop front - Withdrawn

H09-0403-19 - Full - Proposed alterations to two flats - Granted 10 October 2019

H09-1084-20 - S73A - Proposed alterations to 2 flats - approved under H09-0403-19. Modification of Condition 2 to include retrospective work and remove 3 month time limit - Granted 16 July 2021

H09-0368-21 - Full - External wall renovation, insulation and render - Granted 21 June 2021

REPRESENTATIONS

Holbeach Parish Council

We have major concerns regarding where they are going to park. Currently SHDC car park in Boston Road is closed at night, could this be reopened?

Cllr F Biggadike

The application area applied for would have been residential when built, nothing much has changed in that area of the High Street for 200 years, support putting the clock back.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

Public

Objections received (summarised):

- Overdeveloped and exploited to achieve maximum rental returns;
- Standard of present units is poor in both appearance and quality;
- Impact negatively on neighbouring properties/occupiers;

- No parking. Results in residents parking on Park Road and Thomas de Moulton Way;
- Needs to achieve satisfactory standard of aesthetics and safety that the landlord should be providing for his tenants despite the great distance he lives from the site and minimal visits.

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/parking issues;
- 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 regards to their role for food shopping.

Addressing the above, the front area of the ground floor would be retained as a shop. It is considered that such development would not significantly harm the viability/vitality of the town centre and would ensure that the whole of the building remained in active use.

The site is inside Holbeach Settlement Limit as defined in the SELLP. 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 to residential development on spatial grounds.

Character/Appearance/Heritage

The site is within Holbeach Conservation Area. The Mansion House (grade II listed) is situated approximately 15 metres to the east beyond Nos. 39-43 High St.

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 199 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, 2021. Paragraph 194 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 195 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 within Holbeach Conservation Area, but is not listed. The proposal is to replace the eastern section of the shop front to match the westernmost (timber construction) and provide a separate entrance from High Street. The new section would be an improvement over that presently existing, which is somewhat utilitarian in terms of appearance. It is considered that the proposal would preserve and possibly enhance the character and appearance of the Conservation Area and would not harm the setting of nearby listed buildings. This is 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

Policies 2 and 3 of the SELLP 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.

A betting shop (Betfred) is situated to the east (plus apartments) and a dry cleaner to the west fronting High Street. Residential units are situated to the north beyond the courtyard area (Nos. 15a, 15b and 15c High St) and to the north-east (Nos. 3, 5 and 7 Thomas de Moulton Way). The Mansion House (grade II listed) is situated approximately 15 metres to the east beyond Nos. 39-43 High St.

The proposed residential unit is on the ground floor and would overlook an associated rear yard area. It would be separated from the property to the east by an existing building and boundary fencing. 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 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.

The proposed residential unit would be accessed via passages from either High Street, or the rear off Thomas de Moulton Way. It has an internal floor area of 37.8sqm (bedroom 8.24sqm), which complies with the nationally described space standard. A courtyard area is available for the storage of refuse.

The proposal satisfactorily complies with Policies 2 and 3 in terms of amenity.

Highway Safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage.

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

Consequently, on-site parking is not considered to be essential in this case. Also, public parking facilities are available for use within the general locality if required. LCC Highways have stated that "it is not expected that the use of part of the rear ground floor of these town centre retail premises for residential accommodation would inevitably result in residents of that accommodation parking their vehicles in a manner that would have an unacceptable impact upon highway safety. Residents may possibly choose to park any vehicles they may have within the open yard area to the rear of

the premises; however, that is a private area, over which the highway authority has no jurisdiction." Therefore, having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), the Highway Authority has concluded that there would not be sufficient cause to withhold the grant of consent for the proposed development on highway grounds and so does not wish to object to this planning application.

Other Material Considerations

Flood Risk - The site is within 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.

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 grounds of 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), 2021.

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. LCC Highways have raised no objections on highway safety grounds.

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.