

## DECISION DELEGATED TO DEVELOPMENT MANAGER

|                        |                                        |                   |                       |
|------------------------|----------------------------------------|-------------------|-----------------------|
| <b>Application No:</b> | H09-1151-20                            | <b>Applicant:</b> | Roffes Transport Ltd. |
| <b>Proposal:</b>       | Conversion into 3 self contained flats |                   |                       |
| <b>Location:</b>       | 8 High Street Holbeach Spalding        |                   |                       |
| <b>Terminal Date:</b>  | 11th February 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                |
| 10         | Meeting Assessed Housing Requirements |
| 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

Sections 2, 3, 4, 5, 7, 12, 14, 16

### Representations:

|                         | Object | Support | No Obj. | Comments |
|-------------------------|--------|---------|---------|----------|
| PARISH COUNCIL          | 1      | 0       | 0       | 0        |
| WARD MEMBER             | 0      | 0       | 0       | 0        |
| HIGHWAYS & SUDS SUPPORT | 0      | 0       | 0       | 1        |

## CASE OFFICER ASSESSMENT

### Proposal

Full planning permission is sought to convert the upper floor of a former bank (Barclays) to 3 self-contained flats. It is currently a single flat.

It should be noted that planning permission was recently granted to convert the ground floor of the building to retail (Class A1) fronting High Street, plus 2 flats at the rear (ref. H09-0076-19). An application has also been submitted on associated garden to the south (ref. H09-1150-20), which is still under consideration.

### Site Description

The site is located on the corner of High Street and Church Walk and was a former bank (Barclays). A shop and car park are located to the east. Residential properties are located to the south beyond a garden area associated with this property.

The site is inside Holbeach Conservation area. All Saints' Church (grade I listed) is situated to the west on the opposite side of Church Walk.

### Policies/Constraints

Inside Holbeach Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019. The building is within Holbeach Primary Shopping Area.

### Planning History

H09-0076-19 - Full - Conversion of ground floor of former bank (A2) to A1 retail use and 2 flats (C3) - 8 High Street, Holbeach - Granted 15 March 2019.

H09-1150-20 - Full - Erection of pair of semi-detached houses - Still under consideration.

### Consultation Responses

Holbeach Parish Council - This is a two-part project with H09-1150-20 to build a further 2 semi-detached houses on the same site. I understand planning regulations do not take into account parking but this will cause significant congestion and noise pollution in a town that needs more commerce not housing. To cram these houses and flats into an already dense conservation area is simply not acceptable to our parishioners.

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

South Holland Internal Drainage Board - Recommend drainage strategy.

### Material Considerations

The main issues are:

- Principle;
- Character and amenity, including the effect of the development upon the setting of All Saints' Church;
- Highway safety.
- Other material considerations such as flood risk and drainage.

### 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 inside Holbeach Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019. Policy 1 of the SELLP 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. The proposal is considered to be satisfactory in this respect.

The building is located within Holbeach Town Centre and also within Holbeach Primary Shopping Area. It is proposed to change the use of the upper floor from a single to 3 flats. This is considered to satisfactorily comply with Policy 24 of the SELLP. It indicates that in the District Centre of Holbeach, 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.

### Character and Amenity

The site is inside Holbeach Conservation area. All Saints' Church (grade I listed) is situated to the west on the opposite side of Church Walk. There would be no fundamental alterations to the exterior of the building and the principal northern (front) and western elevations would remain unchanged. It is considered that the proposal would not have a harmful affect upon the character/appearance of the conservation area or the setting of All Saints' Church.

From an amenity point of view, the site is in the town centre where ambient noise levels are higher than average due to traffic noise and general activity. Principal views from the upper floor are towards High Street and Church Walk. A rear kitchen widow would overlook the garden area currently associated with the property. The proposal includes a rear access and staircase, but they face the rear of commercial properties and a car park to the east. It is considered that the amenity of neighbouring occupiers would not be materially affected in terms of overlooking, lack of privacy or noise and disturbance.

A refuge storage area has been provided within the communal area at the rear of the property, along with secure facilities for the storage of cycles.

The proposal therefore satisfactorily complies with Policies 2, 3, 29 and 30 of the SELLP in this respect.

### Highway Safety

No on-site parking facilities would be available. Consequently, the proposal is not in accordance with Policy 36 of the South East Lincolnshire Local Plan. However, the site is in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development may also not be reliant on the private car. Nevertheless, public parking facilities are available nearby if required. LCC Highways consider that on-site parking is not essential to the scheme and that there are no objections on highway safety grounds.

### Flood Risk

The site is within Flood Zone 1 within the Environment Agency Maps and an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment. Moreover, the development is located on the upper floor. There are no significant flood risk issues in this case.

### Drainage

Foul drainage would be disposed of to the foul water and disposal of surface water would remain unaltered.

### 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 All Saints' Church. There are no objections on highway safety grounds or flood risk. The proposal therefore satisfactorily complies with Policies 1, 2, 3, 4 and 30 of the South East

Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2019.

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

## **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.