

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-1154-22 **Applicant:** API Ltd.

Proposal: Works to convert B&B accommodation (use class C) to HMO (sui generis), including internal alterations (retrospective)

Location: 2-4 Spalding Road Holbeach Spalding

Terminal Date: 24th February 2023

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02 Development Management
03 Design of New Development
29 The Historic Environment

National Guidance

National Planning Policy Framework 2021

Section 2. Achieving sustainable development.
Section 12. Achieving well designed places.
Section 16. Conserving and enhancing the historic environment.

Representations:

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

CASE OFFICER ASSESSMENT

PROPOSAL

Listed Building Consent is sought for works to convert Nos 2-4 Spalding Road (grade II listed) from bed and breakfast accommodation to a HMO consisting of 3 studios and 11 bedrooms (total 14), plus 2 no. communal kitchens, WCs and shower rooms. The internal alterations have been carried out, mainly relating to the installation of en-suites, and the units are occupied.

Issues such as amenity, highway safety, refuse, HMO standards, etc fall outside the remit of this application. It should be noted that an application for a change of use is also under consideration

(ref. H09-0387-20) which will assess such matters.

SITE DESCRIPTION

The buildings (grade II listed) are located on the corner of Spalding Road and Northons Lane. Car parking is situated at the rear with vehicular access off Northons Lane. The Red Lion Public House (grade II listed) and associated residential quarters are situated to the west and residential to the north on the opposite side of Northons Lane. The Priory (grade II listed) is located to the north-east on the opposite side of Northons Lane. The site is inside Holbeach Conservation area.

PLANNING HISTORY

H09-0424-17 - LBC - Replacement of rotten window - Consent 21 June 2017

H09-0116-18 - Full - Change of use of three ground floor offices to additional bedrooms for bed and breakfast - Granted 28 March 2018

H09-0117-18 - LBC - Change of use of three ground floor offices to additional bedrooms for bed and breakfast - Consent 28 March 2018

H09-0387-20 - Full - Change of Use from B&B (C1) to HMO (Sui Generis), including internal alterations (retrospective) - Under consideration

CONSULTATION RESPONSES

Holbeach Parish Council

We note that there was an application in 2020 that is still undecided. The premises have been used as a HMO since changing hands and we feel accepting a retrospective application of this nature would set a precedent for other properties to be converted to HMO without the correct permissions.

As it was converted to a HMO without the correct planning permissions in place we have concerns as to whether it meets safety and regulatory requirements and if it is to continue to be used as a HMO we would ask that this is inspected.

Cllr F Biggadike

Have concerns for disposal of refuse that will inevitably be in the front garden of Spalding Road unless a designated area is clearly marked and close to property rear entrance in Northons Lane for easy access for our refuse collectors. Believe property to be in conservation area, or like Red Lion pub next door, ideal solution would be for owner of property to arrange for private collection from the HMO.

Public

No comments received.

MATERIAL CONSIDERATIONS

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.

Policy 29 of the South East Lincolnshire Local Plan, 2019, indicates that proposals to change the use of a Listed Building or to alter or extend such a building will be granted where the Local Planning Authority is satisfied that the proposal is in the interest of the building's preservation and does not involve activities or alterations prejudicial to the special architectural or historic interest of the Listed Building or its setting.

The Planning (Listed Buildings and Conservation Areas) Act 1990 confirms the duty of the Local Planning Authority to have special regard to the desirability of preserving Listed Buildings, their setting and any features of special architectural or historic interest. In the context of Section 66 of the Act, the objective of preservation is to cause no harm. The courts have said that this statutory requirement operates as a paramount consideration - 'the first consideration for a decision maker'.

Planning decisions require balanced judgement, but in that exercise, significant weight must be given to the objective of heritage asset conservation.

This statutory duty sits above the policy objectives identified within the earlier section of this report. In this context, the objective of preservation is to cause no harm, and is a matter of paramount concern in the planning process. Beyond this, where harm would be caused, there is a necessity to establish the extent of that harm and consider this within the policy context.

In practice, this requires a methodical approach to be followed wherein the relevant assets which would be affected need to be identified, along with their significance. Consideration can then be given to any effects on this significance resulting from the proposals, which may be reduced through mitigation. If harm is identified, it is then required to establish the scale and extent of such harm, before moving on to matters such as the planning balance and weighing the public benefits arising against any identified harm.

Nos 2-4 Spalding Road are grade II listed. The list description is set out below:

2 houses, now offices. c.1800. Red brick. Hipped slate roof with overhanging eaves and 2 lateral stacks. 2 storey, 6 bay front with first floor band. Each house with 4 steps leading up to central doorway with semi-circular head, painted architrave, fanlight with radiating spokes and recessed panelled door. On either side are glazing bar sashes with 6 smaller glazing bar sashes above; all with cambered heads and flush wedge painted lintels with keystones.

Impacts of the works on the assets

The proposal would result in the buildings being kept in active use. There are no material changes to the exterior. Internally, the buildings have previously been stripped of much of their original character and features. Some changes to the internal layout of the buildings are proposed, mainly involving the installation of stud walls to accommodate ensembles, etc. These elements could be removed easily should the building layout ever need to be altered.

It is considered that the proposed works will preserve the listed buildings and their special architectural or historic interest; and the application contains sufficient detail relating to these elements to mean that conditions to seek further detail are not required.

Conclusion

It is considered that the proposed works will have no harmful impacts on the special interest of the listed buildings, and it is therefore considered appropriate for listed building consent to be granted.

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

That the application be approved under delegated powers.