

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-1207-22 **Applicant:** Mr B Gilham
Proposal: Change of use of offices to dwelling
Location: 2 Edinburgh Walk Holbeach Spalding
Terminal Date: 15th February 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
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 2. Achieving sustainable development.

Section 4. Decision making.

Section 5. Delivering a sufficient supply of homes.

Section 6. Building a strong competitive economy.

Section 8. Promoting healthy and safe communities.

Section 9. Promoting Sustainable transport;

Section 12. Achieving well-designed places.

Section 14. Meeting the challenge of climate change, flooding and coastal change.

Section 15. Conserving and enhancing the natural environment.

Planning Practice Guidance (PPG)

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This proposal seeks full planning permission for the change of use of an existing office (ground floor and first floor), to a residential dwelling.

The two bedroom dwelling would comprise a separate kitchen and dining room, with lounge area to the ground floor and a downstairs bathroom, with the two bedrooms and a shower room to the first floor. No external alterations are proposed.

Site Description

The application site lies to the eastern side of Edinburgh Walk, within Holbeach. The site lies within an area immediately characterised by residential development, with commercial buildings located to the south of the building. The application site comprises a chalet bungalow, detached in form and currently comprises an office.

History

H09-0154-96 - Change of use from chalet dwelling to offices - Approved

H09-1258-03 - Replacement windows - Approved

Consultation Responses

Ward Councillor

A sizeable plot in a residential and sustainable area of the town, ticks all the boxes for this development

Planning Considerations

Policy/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 located within the settlement boundary for Holbeach as set out in the South East Lincolnshire Local Plan, 2019 (SELLP). Holbeach sits within the 'Main Service Centres' tier of the Spatial Strategy. Policy 1 states that within the settlement boundaries of the Main Service Centres and Settlements (as shown on the Inset Maps) 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 principle of the building conversion to a residential use, in its entirety, is acceptable. Given the location of the application site, being immediately adjacent to further residential properties, with the immediately surrounding area being characterised by residential development, the area is largely domestic in character. Therefore, the principle of the change of use is considered to be acceptable.

In addition to the above, it is acknowledged that the proposal would result in the loss of an existing commercial use, in the form of an office building. In this respect, although significant supporting evidence has not been submitted alongside the proposal in respect of the loss of the office uses; however, it is also noted that the site is located within a residential area and seeks permission to return the site to its former, initial use.

As a result of the above, residential development of the site is considered to be acceptable in

principle, being within a suitable settlement as identified within Policy 1, and being in accordance with NPPF Sections 5 and 12. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn as follows.

Layout, Design, Size and Scale

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

The proposal, whilst changing the use of the building, proposes no external alterations. As such, the large extent of the built form would be similar in appearance to that of the existing building. The proposed development, although resulting in a change of use, would not significantly alter the visual appearance of the building. The proposed development is not considered to detract from the character of the area and would not result in the site being increasingly prominent within the surrounding context or streetscene.

The resultant use, as a dwelling, would not be uncommon for the area, with the immediately neighbouring built form comprising residential dwellings. Furthermore, the resultant use as a residential property would bring the site into a use that is characteristic of its vicinity and returns the site to its former use; albeit increasing the dwellings by one.

Taking the above into account, it is concluded that the layout, scale and design of the scheme accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; size, scale, layout, density, impact on character and appearance of the area; the relationship to existing development; and impact on historical buildings and heritage assets. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings; the landscape character of the location; and a sense of place by complementing the historic environment.

Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

As detailed, the proposed development comprises of no alterations to the external appearance of the building, with no enlargement or extensions being proposed. Given that the proposal does not involve any further enlargement to the main building and the visual alterations are minor, the proposed development would not harm residential amenity through being overbearing or causing loss of light. As such, it is considered that the proposal would not result in an unacceptable level of additional adverse impact to the residential amenities of neighbouring occupiers, that would warrant the refusal of planning permission.

Taking the above into account, the proposal is deemed to comply with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2021 in terms of residential amenity.

Highway Issues

Paragraph 111 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

In connection with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum requirements for car parking provision.

The proposed dwelling comprises 2 bedrooms. Appendix 6 of the SELLP sets out minimum vehicle parking standards for residential developments and requires that at least 2 parking spaces are provided within the curtilage for dwellings with up to 3 bedrooms. Assessing the block plan there is more than enough space to accommodate 2 parking spaces. This therefore satisfactorily complies with the requirements of Appendix 6.

Flood Risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. However, the South Holland Strategic Flood Risk Assessment (2017) indicates that the site is within an area identified of no hazard.

The proposal therefore satisfies the sequential test. Overall, the proposal is considered to be acceptable in terms of flood risk and drainage and would therefore be in accordance with Policy 4 of the adopted Local Plan (SELLP, 2019) and the guidance within the NPPF (2021).

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 represents an acceptable form of development within the settlement boundary of Holbeach. Furthermore, it is considered that the proposal would be acceptable in terms of design, highway safety, flooding and amenity grounds.

Overall, the planning balance is considered to be in favour of the proposal.

Conclusion

In light of the considerations above, the principle of development is considered to be acceptable and the proposal would be in accordance with Policies 1, 2, 3, 4, 28, and 36 of the adopted South East Lincolnshire Local Plan (SELLP, 2019) and the guidance within the National Planning Policy Framework (NPPF, 2021).

The recommendation is therefore to approve under delegated powers.

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.