

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H09-1248-21 **Applicant:** Little Miracles Incorporated Organisation

Proposal: Change of use of retail shop to drop in support and play/family centre for disabled children/young people with additional needs and disabilities

Location: Church Street Holbeach Spalding

Terminal Date: 16th March 2022

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
24	The Retail Hierarchy
26	Primary Shopping Frontages
29	The Historic Environment
30	Pollution
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 7. Ensuring the vitality of town centres.
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.
Section 16. Conserving and enhancing the historic environment.

Representations:

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

WARD MEMBER	0	1	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
HOLBEACH & DISTRICT CIVIC SOCIETY	0	1	0	0
SHDC INTERNAL	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for change of use of a retail shop to drop-in support and play/family centre for disabled children/young people with additional needs and disabilities.

Description

The application site comprises a contemporary flat roofed building located on the corner of Church Street and Back Lane in Holbeach. It is within the Holbeach settlement boundary, Holbeach Conservation Area and the Town Centre/Primary Shopping Area. The immediate area consists of a mixture of uses, including retail, commercial, community and residential. All Saints Church (grade I listed) is located opposite.

Recent History

H09-0294-98 - Full - Change of use to family health and fitness centre - Granted 5 August 1998.

H09-1465-03 - Full - Replacement of windows - Refused 30 January 2004.

Consultation Responses

Holbeach Parish Council

Supported.

Cllr. F Biggadike

Support Little Miracles in their endeavour to improve the life of these children.

Cllr T Carter

Fully in support of this application. This will be a fabulous asset for our town bringing additional services for our young people including a sensory room etc. It will also bring additional footfall into the town of those visiting the centre. Little Miracles do some excellent work. I am fully behind this application and hope to welcome them to our town.

Holbeach & District Civic Society

Very much in favour of the proposed development, a terrific addition to the town of Holbeach. Increase foot fall.

SHDC Conservation Officer

I wish to raise no objection to this proposal. The only physical alterations to the structure are proposed to be internal and therefore would bear no impact upon any nearby heritage asset or the character and appreciation of the Conservation Area.

LCC Highways

Does not wish to restrict the grant of permission.

Environmental Protection (Noise)

No comments or objections.

Public

No comments or objections received.

Material Considerations

The main issues in this case are:

- Policy/principle;
- Character/appearance and heritage impacts;
- The likely effect upon the amenity of the area;
- Highway issues;
- Other material considerations such as flood risk.

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.

Policy 1 of the South East Lincolnshire Local Plan (SELLP), 2019 sets out 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. Policy 32 indicates that development shall contribute towards improving the community's health and well-being and encourage community use.

The above policies are consistent with advice within the National Planning Policy Framework, 2021. Paragraph 93 indicates that planning decisions should plan positively for the provision of community facilities. Paragraph 11 indicates that decisions should apply a presumption in favour of sustainable development providing any adverse impacts of doing so would not significantly and demonstrably outweigh the benefits.

The proposal is for a community facility and the site is in a sustainable location within Holbeach town centre. The building has previously been used as a health and fitness centre. No objections are raised in principle to the proposed use.

Policy 24 sets the policy stance for retail development within South Holland. For the purposes of this policy Holbeach is defined as a District Centre, the policy stating that 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. Policy 26 relates to Primary Shopping Areas and indicates that ground floor retail units should be retained in Primary Shopping Areas unless it can be demonstrated that the loss will make a positive contribution to vitality and viability off the frontage and not result in a loss of retail floor space of a scale that undermines the retail function of the frontage.

The proposal would result in the loss of retail premises. Paragraph 86 of the National Planning Policy Framework, 2021 indicates that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should define a network and hierarchy of town centres and promote their long-term vitality and viability - by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters. However, they have been under-

used in the past and retail premises are not considered essential in this location.

In this case retail premises such as this are in less demand due to changing trends and shopping habits. It is considered that use of the building for a community use as opposed to retail would not significantly harm the viability and vitality of the town centre taking into account the aforementioned advice within the Framework. Rather, it would make it more diverse. The community benefits of the proposed use therefore outweigh the loss of a retail facility in this case.

Character/appearance and heritage impacts

Policy 2 of the South East Lincolnshire Local Plan, 2019 indicates that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met in relation to, inter alia, size, scale and impact on the amenity, character and appearance of the area. Policy 3 indicates that it should create a sense of space and respect the character of the area within which it is situated.

Policy 29 indicates that proposals should enhance or reinforce the character and appearance of a conservation area and not harm the setting of a heritage asset. Paragraph 199 of the Framework, 2021 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.

No external alterations are proposed to the building. It is considered that the proposal would not harm the character or appearance of Holbeach Conservation Area or setting of All Saints Church (grade I listed).

The proposal is therefore compliant with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 in this respect.

Amenity

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. Policy 30 indicates that development proposals will not be permitted where, taking into account of any mitigation measures, they would lead to unacceptable adverse impacts upon the health and safety of the public, the amenities of the area, or the natural, historic or built environment by way of such factors as air quality, noise, light levels and land quality and condition.

The above 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.

The neighbouring properties to the south are occupied by Lincolnshire Coop Funeral Services and thereafter a Chinese takeaway and sandwich shop. Residential accommodation is located above. The Crown Hotel is located to the north on the opposite side of Back Lane. Residential properties are situated to the west off Back Lane.

The proposal is a community use that includes a main playroom, sensory area and youth group area. The applicant has indicated that a portable sound system would be available for use and that it would be used on a low level to run alongside the needs of the young people. It has been indicated that due to their sensory impairments the music would not reach a high volume.

The site is located within the town centre where ambient noise levels are generally higher than in a wholly residential area. The majority of the properties in the immediate area are commercial/retail, plus some residential, a public house opposite (The Crown Hotel) and takeaways. The proposed use is not considered to be out of character with the area and would not harm the amenity of the locality to a significantly greater degree than at present in terms of such matters as noise and disturbance. This is subject to a condition ensuring that noise levels of the proposed sound system are controlled.

The proposal satisfactorily accords with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of amenity, subject to mitigating conditions.

Highway Issues

In conjunction with Policy 36 of SELLP 2019, Appendix 6 sets out the minimum standards for parking provision based upon the use class.

Parking facilities at the rear are outlined in blue on the submitted location plan. Even if they are not available for use, the site is located 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 users of the centre will not be reliant on the private car and therefore parking is not essential for this proposal. That said, public parking is available within close vicinity. LCC Highways consider that the proposal would not result in an unacceptable impact on highway safety.

The proposal satisfactorily accords with Policies 2, 3 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety. Any conflict with Policy 36 is outweighed by other benefits in favour of the scheme.

Other Matters

Flood risk

The site is located within Flood Zone 1 of the Environment Agency's Flood Maps and an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment (2017). There are no flood risk issues in this case therefore.

Planning Balance

Use of the building for a community use as opposed to retail would not significantly harm the viability and vitality of the town centre. Rather, it would make it more diverse. The community benefits of the proposed use therefore outweigh the loss of a retail facility in this case.

The proposal would not materially harm the character or appearance of Holbeach Conservation Area or setting of All Saints Church (grade I listed). Although neighbouring occupiers may suffer some noise/disturbance it is not considered to be significantly greater than at present given the town centre location and such as to outweigh the community benefits of the scheme, subject to mitigating conditions. No objections are raised on highway safety grounds. The planning balance is therefore considered to be in favour of the proposal.

Conclusion

The planning balance lies in favour of the proposal. The proposal generally accords with Policies 1, 2, 3, 4, 29, 30 and 32 of the South East Lincolnshire Local Plan, 2019 and advice within the National Planning policy Framework, 2021. Although there is some conflict with Policies 24, 26 and 36 of the Local Plan it is outweighed by the community benefits of the scheme.

It is therefore recommended that the application be approved 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.