

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0148-22 **Applicant:** Essential Well-Being
Proposal: Change of Use of Well Being Clinic to Residential Dwelling
Location: 9 London Road Spalding
Terminal Date: 8th April 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12- Achieving well designed places.
Section 16- Conserving and Enhancing the Historic Environment.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This planning application is for the change of use of a Well Being Clinic to a Residential Dwelling at

9 London Road, Spalding.

Permission is sought for a residential dwelling with at least 4 bedrooms.

Site Description

The Grade 2 Listed dwelling is typically Georgian in style and sits within the prominent riverfront portion of the Spalding Conservation Area.

The area in general is characterised by the riverfront setting and also residential development of a wide range of styles and eras. However, late Victorian and Edwardian development is prominent in this area.

History

H16-0650-15- Approved on 25-08-15- Change of use from a bed and breakfast to a well-being clinic and beauty salon.

Consultation Responses

Conservation Officer- My position would be that it is impractical to suggest that such an application could be refused on parking provision grounds given its history and setting. We must of course pay due regard to Policy 36 and Appendix 6, but in the historic environment in particular it is not practical to place it above all other considerations.

Planning Considerations

Principle of development

This proposal for a change of use from a Well Being Clinic to its original use as a single dwelling is considered acceptable as the site is within the defined settlement limits of Spalding. As such the principle of the proposed development is considered acceptable subject to other material considerations discussed below.

Character/Appearance

No external alterations are proposed. As a result, the change of use would not harm the character or appearance of the building or locality nor the Spalding Conservation Area.

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

Residential Amenity

The proposed use would be less intensive and have less of an impact upon the occupiers of nearby residential property in terms of noise, general disturbance, lack of privacy, etc by virtue of the reduction in the number of daily coming and goings from the building. No alterations to fenestration are proposed.

The proposal therefore satisfactorily accords with Policies 2 and 3 of the SELLP in this respect.

Heritage Impact

The Local Planning Authority does not consider there to be any risk presented to the value or significance of any nearby Heritage Asset. The proposed change of use would be restoring the property back to the original use of the building in its entirety. There are several changes needed to be made to the internal layout due to it currently being used as a wellbeing clinic. However, the interior alterations are immaterial to the function of planning, as this portion of the building is not protected by the conservation area status.

For the above reasons, the impact of this proposal is deemed to be neutral upon the conservation area and therefore, it must be considered, by virtue of that lack of impact, to assist in conserving the historic environment in accordance with Section 16 of the National Planning Policy Framework (2021).

Parking Provision

Whilst regard is had to the provisions of Policy 36 and Appendix 6, there is clearly no possibility of generating additional parking for this site, but it's historic use was as a residency, and it exists in an area with a precedent of minimised parking provision. It is impractical to suggest that such an application could be refused on parking provision grounds given its history and setting.

Flood Risk

The application is for a change of use. Paragraph 168 of the National Planning Policy Framework, 2021 indicates that such applications should not be subject to the sequential or exception tests, but should still meet the requirements of a site-specific flood risk assessment.

In this case, the site is located within Flood Zone 3 of the Environment Agency's Flood Maps, however, the proposal involves returning the building back to its original use as a single domestic dwelling and there is the ability for first floor refuge from any potential flood water ingress. As such no further flood risk measures are considered necessary.

Given the above, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk.

Planning Balance

The proposal will not materially harm the character or appearance of the locality, the Conservation Area setting, amenity of nearby residents or result in flood risk or unacceptable highway implications. The planning balance is therefore considered to be in favour of the proposal.

In light of the considerations above, the Local Planning Authority considers this application to be in accordance with Policies 1, 2, 3, 4 and 29 as well as Sections 12, 14 and 16 of the National Planning Policy Framework (2019).

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.

Conclusion

For the reasons stated above, this application is recommended for approval.