DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0238-23 **Applicant:** Mr I Razaq

Proposal: Conversion of offices into 4 apartments including minor works

Location: 15 High Street Spalding

Terminal Date: 16th May 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
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

Sections 12 and 16 of the National Planning Policy Framework (2021)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This planning application is for the change of use of 15 High St, Spalding from offices to 4 apartments. The proposal also included minor removal and addition of stud walling to slightly alter the internal layout, the removal of the existing stair case to be replaced with a new unit, the replacement of all existing windows with Georgian Sliding Sash also the addition of a new rear timber fence.

Site Description

15 High St is a Grade II listed former house, now offices. Historic England describes the property like so:

"Early-mid C18 house with modern fenestration 5 storeys and basement in brick with Welsh slate roof. Small wood cornice. Band between basement and ground floors. 4 steps to inset door of 6 panels (2 glass in plain moulded stucco case with plain pilasters, frieze and cornice. Interior has C18 panelling in hall."

The site is situated within the highly prominent central riverside portion of the conservation area for Spalding (SCA) and is flanked by a wide selection of listed and otherwise locally important buildings. The area in general is characterised by large scale and historic residential properties, however, some modern commercial/office use is present in the surroundings.

History

H16-1230-92

Construction of internal ground floor partition to comply with Fire Brigade requirements. Approved on 28-01-93

H16-0542-97

Change of use from office to domestic dwelling. Non-determination issued 26-09-99

H16-0925-22

Change of use of former offices to single dwelling including associated minor alterations, provision of new boundary treatment to rear and repair of defective rear access steps/landing. Approved on 14-11-22.

Consultation Responses

Local Highway and Lead Local Flood Authority

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application.

Lincolnshire County Council Historic Environment Officer

No archaeological input required.

Environment Agency

No Objection. Reminds the applicant/occupants that they should sign up for a free flood alert from the EA.

Environmental Protection Officer

No objection.

Planning Considerations

Principle of development

The property is situated within the Spalding Defined Settlement Boundary. Therefore, the most basic principle of residential uses in this location is already established.

The site is situated in an area of the the highest possible flood risk. However, a Flood Risk Assessment has been conducted and supplied in support of the application which found that the site is within a flood defence zone, protecting the site from a projected 1 in 100 year flood event. The FRA found that as ground floor levels of the existing property are above the maximum breach level, no specific mitigation methods were recommended. Ultimately, the report finds that the site passes the Sequential and Exception tests and therefore, the principle of development is not negatively affected by flood risk considerations. To the credit of the proposal, it is proposed that the cellar will not be used for living space, only for plant, domestic storage and bicycle stowage.

For the above reasons, in addition to consideration of the fact the property is pre-existing and formerly existed as a residential property in its original state and within living memory, it is found that the principle of the proposed development is acceptable in this instance.

Heritage Impact

The Local Planning Authority does not consider there to be any risk to the values or significance of the heritage asset proposed by this application. Only minor alterations are proposed to the property, with the only material internal changes being some small addition or removal of stud walling to minimally alter the layout as well as the replacement of the staircase. Any removed material is not original and the proposed stud walling work could be reversed should any future owner see fit to do so. The staircase which it is proposed to be removed is a later C20th addition, likely implemented as part of the conversion of the site to an office, it is lacking in character and therefore does not contribute to the special interest of the site.

The only externally visible alterations proposed to the property are; the proposed replacement of the 1x1 Victorian style sash windows with Georgian 3x2 panelled sashes that are visually much more attractive and appropriate to the history of the site, the creation of a new window opening to the eastern elevation which will feature a 3x1 panelled Georgian sash window, and the addition of a new timber 1.8m tall overlapping close-boarded fence to the rear of the site, creating an amenity area for tenants. The proposed fence is not particularly attractive, however, given the extensive use of similar boundary treatments in such settings and the constraints of the site, it is deemed that this portion of the proposal is reversible and therefore the impact isn't considered to be substantial.

Furthermore, to restore the property to residential use would be to restore the historic and original character and use of the property. This proposal achieves this in a non-invasive manner which requires only minimal alteration. Therefore, on balance, it can be said that despite presenting only very minor external alterations, this proposal assists in ENHANCING the Historic Environment in accordance with Section 16 of the NPPF (2021).

Residential Amenity

The Local Planning Authority does not consider there to be any extraordinary risk to residential amenity proposed by this application. There are no external dimensional alterations proposed to the property in question and whilst it could be said that the subject property is itself could be overlooked by adjacent sites at the rear, these are commercial in nature, the proposed 1.8m fence should provide some privacy, a certain degree of overlooking is to be expected in such close quarters, town centre living and the principle of residential use of the site is established by the history and origin of the property.

Parking Provision

The property retains the 6-car parking area directly opposite side of High Street. Inspection of the site does appear to confirm that 6 cars could feasibly park in this area, end-on to the road. Nevertheless, the area for parking offers substantially more space for parking than is strictly required for by Policy 36 and Appendix 6 of the SELLP (2019). Furthermore, provision is made for the safe storage of bicycles, by means of a dedicated storage room in the cellar.

Planning Balance

Whilst the site is within a Flood Risk Area and the timber close boarded fence is perhaps a little modern for the setting, due to the fact that the application relates to an existing building, and the ground floor level is above projected breach levels, the flood risk is not deemed to be a concern. Furthermore, the proposed fence, whilst perhaps not the most appropriate for the setting, is inoffensive in nature to the building and cannot be said to harm the character or material of the building especially not from publicly accessible views - it is an unfortunate fact that the rear of this site has also been tampered with and paved over to the point that an alternative solution is difficult to achieve without significant groundworks outside of the scope of the proposal. In order to accommodate this, however, the proposed fence would be fully removeable without impact upon the listed building.

Therefore, it is considered that the perceivable arguments 'against' approval are already mitigated against. However, in particular favour of approval is that by approving such an application, the original, authentic use is being restored to the site, which is of great benefit to the character of the site.

Conclusion

For the reasons listed above, this application is deemed to be in accordance with Policies 1, 2, 3, 4, 11, 17, 29, 36 and Appendix 6 of the SELLP (2019) as well as Sections 12 and 16 of the NPPF(2021). Therefore, this application is recommended for approval.

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.