

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H16-0266-20	Applicant:	J T White (Sheepmarket) Ltd
Proposal:	Change of use of first floor commercial premises into 4 self contained flats		
Location:	8/9 Sheep Market And 1a Abbey Path Spalding		
Terminal Date:	13th November 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
26	Primary Shopping Frontages
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 2019

Sections 12 and 16 of the National Planning Policy Framework (2019)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0
SPALDING & DISTRICT CIVIC SOCIETY	0	1	0	0
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This full change of use application is for the conversion of the first floor element of 8/9 Sheep Market and 1A Abbey Path into 4 self-contained flats. No external alterations are proposed to the site, only some minimal addition of new internal stud walls will be needed for the necessary subdivision.

Site Description

The site is within the Spalding Conservation Area (SCA), sitting in the prominent Sheep Market area of the town. The building itself is not listed, however, it is within eyeshot of the grade II listed Sessions House and the Grade II* listed 1, Sheep Market. Additionally, the site is within the primary shopping frontage of Spalding, and can be considered an important part of the Spalding town centre, as defined in inset map 2 of the South East Lincolnshire Local Plan (SELLP) (2019).

History

H16-0721-10

Installation of 2 refrigerated units to rear (retrospective). APPROVED on 15/07/2011.

H16-1091-19

Change of use from Class A1 to beauty parlour (Sui Generis use). APPROVED on 16/01/2020

Consultation Responses

Spalding and District Civic Society

Supports the application and is pleased to see the inclusion of cycle parking spaces.

South Holland District Council Environmental Protection Officer

No Objections.

Lincolnshire County Council as Lead Local Highways and Flood Authority

No Objections.

Planning Considerations

Principle of development

This proposal site is situated within the Spalding Defined Settlement Boundary and set above the commercial ground floor. Although this site is within the primary shopping frontage, Policy 26 does set out that independent uses above ground floor of commercial properties are suitable provided that there is no loss of ground floor commercial shopping frontage. This in conjunction with the viability of the site thanks to its settlement boundary location and the fact that above ground residential space is generally considered to be preventative against flood risk, the principle of development is acceptable.

Heritage Impact

The proposal within this application is not considered by the Local Planning Authority to present a risk to the value or significance of any designated or non-designated heritage assets, including the Conservation Area within which it is set. This is because the proposed development includes absolutely no visual amendment to the exterior of the site as appreciated from the public realm. Due to the neutral impact that this proposal will have, this application is deemed to help to conserve the historic environment in accordance with Section 16 of the National Planning Policy Framework

(2019)

Residential Amenity

The Local Planning Authority does not consider this proposal to have any adverse effect upon any residential amenity of either any neighbouring residents or that of the future residents of this site. This is because the proposal suggests no alteration to the external elements of the building and given the terraced, urban nature of the site, does not overlook any residential properties and neither does it overshadow any nearby residential properties. Given the urban and town centre location of the site, the proposal does only feature very limited amenity space. However, there will be A large communal courtyard for an amenity space shared between the 4 units. This is considered an appropriate level of amenity space, especially considering the nature and location of these properties, where a minimal amount of amenity space is a given or expected due to the close and dense nature of urban, town centre, above ground floor residential development.

Parking Provision

This proposal is put forth as a car-less development. Lincolnshire County Council Highways authority have been consulted on this application and have confirmed that no objections are raised due to the town centre location making this site viable for a car-less development, as services, employment, shops, entertainment e.t.c are all within reasonable walking/cycling distance. Cycle parking has been included as part of this development within the extant courtyard.

Conclusion

For the reasons listed above, the Local Planning Authority considers this application to be in accordance with Policies 1, 2, 3, 11, 17, 26, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 16 of the National Planning Policy Framework (2019). 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.