

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0356-20 **Applicant:** Cley Developments Ltd.

Proposal: Change of use of first and second floors above Perfect Nails to residential use to include demolition of building to rear and provision of balustrade to flat roof and metal staircase to access flat roof and dwelling

Location: 19 Station Street Spalding

Terminal Date: 14th September 2020

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
04	Approach to Flood Risk
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards
03	Design of New Development
29	The Historic Environment

National Guidance

National Planning Policy Framework 2019

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

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SPALDING & DISTRICT CIVIC SOCIETY	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This application proposes to convert the space included at 1st and 2nd floor levels above 'Perfect Nails'. These works would also include the demolition of an extant outbuilding to the rear and installation of ballustrade/metal staircase to allow access to the veranda on the flat roof of the ground floor projecting extension to the rear of the property which in turn, will allow access to the proposed 1st floor residential unit.

Site Description

The proposal site is a C19th commercial property.

Station Street is a prominent portion of the Spalding Conservation Area, being one of the town's main thoroughfares into the highly characterful and significant 'Sheep Market' area of the town. The proposal site is visible from that prominent location.

The building itself has a commercial ground floor, with the residential space on the 1st and 2nd floors. The area immediately surrounding the building is characterised primarily by C19th - early C20th commercial properties. The host property is notable in the immediate area when combined and considered in relation to the rest of the terrace of identical properties along Station Street. Collectively, this terrace, whilst not especially remarkable, is somewhat imposing and has a significant impact upon the character and scale and massing of development in this specific portion of Station Street and the Conservation Area.

History

H16-0455-09

Change of use from art shop/gallery to tanning salon. Approved on 18-08-09

Consultation Responses

Lincolnshire County Council Historic Environment Officer

Expresses concerns over the inclusion of the adjacent air raid shelter in the plans for demolition of an outbuilding and that prior to demolition a full building recording should take place

The case officer has been in contact with the Historic Environment Officer and explained that whilst the Air Raid Shelter is included in the plan drawings, this specific application does not propose to demolish the air raid shelter, mention of the demolition of the ARS is simply a holdover from a previous application. The applicant has supplied, in writing, a confirmation of this.

Spalding and District Civic Society

Echoes the sentiments of the Historic Environment Officer and would like to see Cycle Storage provision, but is generally supportive of the application.

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 not within the primary shopping frontage, Policy 26 does set out that independent uses above ground floor of commercial properties are suitable. 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 Local Planning Authority deems that this application will help to Enhance the historic environment. The main element of the proposal (to change the above ground floor use of the site) is not the cause of this, as it will mostly have no visual impact upon the Historic Environment apart from the proposed installation of a metal balustrade and staircase, which is not an alien to the immediate area. The real enhancement of the site will come from the demolition of the rear outbuilding/garage which is early-mid C20th in construction and is a particular eyesore in the immediate setting. Removal of this structure to allow the creation of some amenity space is seen as an enhancement to the wider character of the site and therefore, this portion of the Conservation Area.

Vehicle and Cycle Parking Provision

The proposal is put forth as a car-less development, however, given the town centre location, it is considered that a single -above ground residential unit would still be suitable in these circumstances as the site is close to shops, employment sites, schools, facilities e.t.c. Additionally, to ensure that this site has access to some cycle storage, it will be conditioned that. in line with Appendix 6 of the South East Lincolnshire Local Plan (2019), at least 1 unit of cycle storage should be supplied on site prior to its first use as a residential site.

Conclusion

For the reasons listed above, it is found that this application is in accordance with Policies 1, 2, 3, 4, 11, 17, 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.