

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0374-22 **Applicant:** Qualis Possession EM Ltd

Proposal: Change of Use of Flat (C3) to Estate Agents (E)

Location: Flat 1 11 The Crescent Spalding

Terminal Date: 6th June 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio
09	Promoting a Stronger Visitor Economy
24	The Retail Hierarchy
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres
26	Primary Shopping Frontages

National Guidance

National Planning Policy Framework 2021

Section 6- Building a strong, competitive economy
Section 7- Ensuring the vitality of town centres
Section 12- Achieving well designed places
Section 16- Conserving and enhancing the historical environment

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full application, seeking permission for a proposed change of use from a flat (C3) to an Estate Agents (E) at Flat 1, 11 The Crescent, Spalding.

Site Description

The site is located within the defined settlement limits of Spalding, according to Policy 1 in the SELLP, 2019. The site sits within the Spalding Conservation Area, as well as being located within the Spalding Town Centre boundary.

The terraced property The Crescent, and is situated at the junction with Spring Gardens

History

No relevant planning history.

Consultation Responses

Local Highway and Lead Local Flood Authority

Does not wish to restrict the grant of permission. 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. There is parking available on the highway and public car parks in the vicinity and it is therefore not considered that this proposal would result in an unacceptable impact on highway safety.

Planning Considerations

Principle of Development
Retail Provision
Residential Amenity
Highway safety and parking

Principle of Development

The principle of development of this property appears to be acceptable when considering policies 1, 2, 3, 7 and 29 in the South East Lincolnshire Local Plan, 2019.

In terms of Policy 1, Spatial Strategy, the proposal is considered to help sustain existing facilities and meet the service needs of the Sub-Regional Centre of Spalding by providing an administrative hub for an Estate Agency to the ground floor. The flat will not be altered or extended and is already in existence and will only need to be refurbished to meet the needs of the office services. The building is situated within an established row of development, therefore the proposal is considered to accord with SELLP Policy 1.

The proposed change of use of the residential flat to an office would not involve any inappropriate changes to the design and layout, as well as the character and appearance of the property and therefore, the occupation of the property as an office would not result in inappropriate impact on visual amenity contrary to Policies 2 and 3 of the SELLP.

Policy 7 states that "New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings." The site is not within an allocated employment site but is taken to be previously developed land and therefore satisfactorily accords with SELLP Policy 7.

The property is set within the Spalding Conservation Area, according to Inset Map No. 2. The proposed changes would be minor, including signage and frosted signage to the bottom of the bay window, which would be in keeping with the existing commercial units along The Crescent. The proposed change of use is therefore, considered to be complicit with Policy 29 in the SELLP, 2019.

Overall, the proposed change of use of the existing ground floor flat to an Estate Agency would be considered to be acceptable in terms of Policies 1, 2, 3, 7 and 29 in the SELLP, 2019.

Retail Provision

Policy 24 of the SELLP (The Retail Hierarchy) is supportive of "financial and professional services" in Sub-Regional Centres.

The property also lies within the Town Centre Boundary of Spalding and Policy 25, Supporting the Vitality and Viability of Boston and Spalding Town Centres, emphasises the importance of "Enhancing existing sites and ensuring changes to premises have regard to the significance of heritage assets and the special interests of the Conservation Areas and their settings" and "Enhancing the public realm through improvements to public spaces, accessibility and signage".

The proposed change of use to an Estate Agency would comply with policies 24 and 25 in the SELLP, 2019 and therefore be considered acceptable.

Residential Amenity

Paragraph 130 of National Planning Policy Framework (2021) amongst other matters seeks places with a high standard of amenity for existing and future users. Policies 2 and 3 of South East Lincolnshire Local Plan (2019) set out residential amenity and relationship to existing development and land uses as main considerations when making planning decisions.

The unit is situated within the town centre where general noise and activity is expected. There are residential properties in the vicinity, and the proposed use would generate a higher number of visitors compared to the previous residential flat, but it is a use which is compatible with residential dwellings.

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

Highway Safety and Parking

Given the town centre location of the property, there is no genuine possibility of generating additional parking for this site and it exists in an area with a precedent of minimal parking provision and only on road parking. However, there are public car parks in the vicinity.

Local Highways have not raised any objections to the matter and in principle the proposal is considered to comply with Policy 36 and Appendix 6 in the SELLP, 2019.

Planning Balance

Having due regard to the aforementioned policies above, the proposed change of use from a Residential Flat to an Estate Agency is considered to be acceptable in principle and would not have a material adverse impact upon the Spalding Conservation Area. On road parking and public car parks are available nearby.

Therefore, this application is considered to accord with Policies 1, 2, 3, 7, 24, 25, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan, as well as Sections 6, 7, 12 and 16 of the National Planning Policy Framework, 2021.

Conclusion

The recommendation is for a delegated 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.