

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0376-19 **Applicant:** Mr N Bond

Proposal: Change of Use from A1 to Pub/Wine Bar (A4 use), with Managers residential accommodation at first floor level

Location: Swinton Insurance 32 New Road Spalding

Terminal Date: 31st May 2019

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
09	Promoting a Stronger Visitor Economy
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres
30	Pollution

National Guidance

National Planning Policy Framework 2019

NPPF 2019 Section 7: Ensuring the vitality of town centres

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application that seeks permission for a Change of use of A1 to a Public House/ Wine Bar A4, with the introduction of Managers residential accommodation at the first floor, 32 New Road, Spalding.

The building was previously used as offices for Swinton Insurance. The aim of this intended change of use is to introduce a public house/ wine bar to this area.

Site Description

The site is located within the Spalding defined Town centre and is within Spalding Conservation Area. The area hosts a range of commercial ventures and some residential. The area appears to have an accumulation of fast food takeaways, shops and a further public house (The Punchbowl) at number 37 New Road. A number of fast food applications have been refused in recent years due to an unacceptable concentration of such facilities in one area.

There are a number of important listed buildings located on nearby Broad Street and the key listed buildings include the Church which is diagonally 'opposite' the site and the Spalding Gentleman's Society building a little further along Broad Street. The Punchbowl public house is also a grade II listed building and adjacent is a further grade II listed public house known as the Black Swan.

History

Similar planning applications were submitted for other units along New Road and can be summarised as follows:

H16-0462-18, 15 New Road, COU A1 to A3/A5 - Refused

H16-0002-16, 37a New Road, COU A1 to A3/A5 takeaway - Refused

H16-0507-15, 15 New Road, conversion to flats - Approved

Consultation Responses

No objection from Lincolnshire Police - recommendations made regard to building security.

Planning Considerations

Heritage Impact

Amenity

Principle of development

According to Inset Map 2 of South East Lincolnshire Local Plan, the site is within the Town Centre boundaries of Spalding and Conservation Area. This is the result of applying Section 7 of the National Planning Policy Framework, 2019 which laid down that planning policies should define "define a network and hierarchy of town centres" as well as "the extent of town centres and primary shopping areas".

Policy 25 of the Local Plan establishes that Councils should support appropriate proposals that are aimed to redevelop "land within the town centre boundary that can provide for retail and other town centre uses" and encourage "opportunities to support temporary uses in vacant premises in the primary shopping areas". When it comes to conservation areas, proposals "should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting" as per Policy 29 of the Local Plan.

After reviewing the planning history of the units in regard of New Road and current uses in the locality, the intended change of use would entail the reuse of an existing unit and would preserve the conservation area fabric as no major external alterations have not been proposed. From the planning history a number of hot food takeaways have been resisted on New Road due to the over intensification of such an establishment. This application is for a drinking establishment and although there are a number of public houses in this locality, should permission be granted for this proposal, it is not anticipate that this will lead to an over intensification of non-residential uses in this locality. The residential element would only be acceptable above such an establishment if it is linked to the accompanying business. For these reasons, the principle of development for the proposal is

acceptable unless other material considerations indicate otherwise as laid down in section 70(2) of the Town and Country Planning Act 1990.

Heritage Impacts

There are a number of important listed buildings on New Road and Broad Street and this site sits in a prominent corner position of both streets. The nearest Grade II listed buildings are in fact public houses with a church only a short distance away. However, on balance the proposals will have no material adverse impact on the setting or visual qualities of those buildings and any impacts fall well below the NPPF threshold of 'Substantial harm'.

Impact upon residential amenity

No opening hours have been submitted as part of the proposal however it is considered that in the interests of protecting residential amenity a condition restricting the hours would be appropriate. With this in place, and due to the existing mix of uses, it is not considered that the change of use would have a detrimental impact upon the amenity of residents nearby.

Design and layout

The site area covers approximately 105 sq metres. The design and layout proposed is considered to be acceptable and does not detract from the surroundings and adjoining buildings and would on some levels enhance to existing frontage in this prominent town centre location.

Conclusion

In light of considerations above, the proposal complies with Policy 1, 2, 3, 25 and 29 of the South East Lincolnshire Local Plan as well as Section 7 of the National Planning Policy Framework, 2019. With regards to the heritage impacts the proposals is thought to have no material adverse impact on the setting or visual qualities of those listed buildings and any impacts fall well below the NPPF threshold of 'Substantial harm'.

It is therefore considered appropriate to recommended a delegated approval.

Recommendation

APPROVE

Additional Considerations

None

Public Sector Equality Duty

In making your decision you 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 is only one factor that needs to be considered, and may be balance 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 your decision, you 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.

You are referred specifically to Article 8 (right to respect for private and family life), 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 interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.