SOUTH HOLLAND DISTRICT COUNCIL

Report of: **Development Manager**

To: **Planning Committee - 09 November 2022**

(Author: **Greg Watkinson - Planning Conservation Officer)**

Purpose: **To consider Planning Application H16-0644-22**

Application Number:	H16-0644-22	**Date Received:**	28 June 2022
Application Type:	FULL		
Description:	Proposed change of use from vacant offices to HMO including erection of cycle/bin storage		
Location:	THE GRANGE 8 PINCHBECK ROAD SPALDING		
Applicant:	Mr S Sadiq	**Agent:**	Gooding-Design Ltd.
Ward:	Spalding Castle	**Ward Councillors:**	Cllr G J Taylor

You can view this application on the Council's web site at
http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0644-22

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The application has attracted substantial local interest.

2.0 PROPOSAL

2.1 This Planning Application is for the change of use from vacant offices to a House of Multiple Occupation (HMO) of 16 bedrooms, including the erection of a cycle/bin storage facility.

2.2 The proposal would include substantial amounts of additional subdivision through the use of stud walling for the creation of en suite bathrooms,

2.3 The works would also include the creation of an external disabled access ramp, as well as the conversion of the rear garden area to parking and amenity space. The plans indicate that 13 allocated parking spaces would be made available to the site.

3.0 SITE DESCRIPTION

3.1 The Grange is a Grade II* Listed building, of mid-C17th Origin. The Historic England Listing description descibes the property like so:

"Good mid C18 house of 2 storeys in local brick with stone-capped parapet. 5 windows, centre being Venetian. Wood blind holders. No glazing bars, except to centre window. Good projecting porch in Roman Ionic with open modillion pediment. Door of 8 panels (4 glass) in panelled reveal and with good traceried fanlight. A 2 storey, 1-window extension of slightly later date on south side, and a 1-window, 1-storey C19 extension on north, with 2 storeys behind."

3.2 Furthermore, the Grange represents what could be considered one of the most characterful and imposing structures within the Pinchbeck Road portion of the Spalding Conservation Area. It's highly prominent position upon one of the main entrance and egress routes into and out of the town centre and main shopping area of Spalding mean that it is a well known site which contributes substantially to the overall character of the wider conservation area.

3.3 It is true to say that the most recent use of the site - as an office - has left the interior of the property substantially altered and modernised with few character features remaining within most rooms, however, the interior retains characterful features such as the 1st floor 'flying' conservatory and the Oriel Window to the rear, as well as historic surfaces / materials and a characterful, if somewhat altered, labyrinthine interior layout nodding to the historic context of secondary accommodation and service rooms.

3.4 The immediate setting of the site can be described as largely featuring residential development of a C19th origin, However, the site is also flanked by the late C20th business park to the North. A number of other commercial sites are within visual range. Moreover, the site is within close proximity to a number of Grade II listed building, including the adjacent former Peacock Public House, and No.7 Pinchbeck Rd situated directly across the road, as well as the similarly Grade II listed Congregational Church Sunday School and No. 2 & 4 Pinchbeck Rd and No. 24 & 25 New Road.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policies:
01- Spatial Strategy
02 - Development Management
03 - Design of Development
04 - Approach to Flood Risk
11 - Distribution of New Housing
17- Providing a Mix of Housing
21 - HMOs and Sub-division of Dwellings
29 - The Historic Environment
30 - Pollution
31 - Climate Change and Renewable and Low Carbon Energy
36 - Vehicle and Cycle Parking
Appendix 6 - Parking Standards

National Guidance

National Planning Policy Framework (NPPF), 2021

Section 12 - Achieving well-designed places
Section 16 - Conserving and enhancing the historic environment

Planning Practice Guidance (PPG)

5.0 RELEVANT PLANNING HISTORY

5.1 H16-1250-88
Conversion to office use involving provision of' internal partitions,etc. Remove garden wall & shed'. Approved on 19-09-89

5.2 H16-1251-88
Conversion to office use involving provision of' internal partitions,etc. Remove garden wall &

shed'. Approved on 19-09-89

5.3 H16-0096-03
Restoration of conservatory, refurbishment of adjoining offices and external landscaping. Approved on 20-06-03

6.0 REPRESENTATIONS

6.1 Lincolnshire County Council Historic Environment Officer

The proposed development involves the conversion of and alterations to a Grade II* Listed 18th century town house within the Spalding Conservation Area, known as The Grange. Only a 5.8% of buildings are Listed at Grade II*, and such buildings are deemed to be of more than special historic or architectural interest.

Conversion is likely to involve alteration to historic fabric and spaces, particularly as the building has been empty for a considerable period and is fabric may need extensive replacement and repairs. It is therefore beneficial to create a record of the historic fabric prior to any further alteration or demolition.

It is also understood that the historic conservatory to the rear has already been demolished and does not appear to be proposed to be reinstated. Therefore a thorough record of this important element of the Listed building should be provided based on surviving photographs, plans and drawings in order to ensure that it is not lost without record.

With this in mind I would recommend that, prior to development, the developer should be required to undertake full historic building recording.

Recommendation: It is recommended that, prior to development, the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the new archaeological handbook) according to a written scheme of investigation to be agreed with, submitted to and approved by the local planning authority. This should be secured by appropriate conditions to enable the historic assets within the site to be recorded prior to their destruction. The results of the survey should be submitted for approval in writing by the local planning authority prior to any work commencing on site.

This scheme of works will consist of full historic building recording.

"require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible." National Planning Policy Framework, section 16, paragraph 205.

A brief can be produced by this department which will lay out the details above, and the specification for the work should be approved by this department prior to the commencement of works. Please ask the developer to contact this office for further details.

6.2 South Holland Internal Drainage Board

The proposal is situated outside of the South Holland IDB drainage area and is considered a minor development and therefore does not meet the threshold for commenting.

6.3 Lincolnshire County Council as Lead Local Flood and Highways Authority

Although the number of off-street car parking spaces that are proposed to be provided at the rear of the building does not match the number of units of accommodation that are proposed to be provided within the building, the site is in the centre of the town and therefore within convenient walking distance of a wide range of services, facilities, employment opportunities and public transport options. Space is also to be provided within the proposed development for sheltered, secure cycle parking. The proposed accommodation would therefore be suitable for occupation by those without the use of a motor vehicle. There are also a number of public car parks within close proximity that could be used by visitors.

Therefore, 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 change of use would not be expected to have an unacceptable impact upon highway safety and so does not wish to object to this planning application.

6.4 South Holland District Council Environmental Protection Officer

No objections

6.5 Public

8 Local Residents submitted objections to the application. These can be summarised like so;

-Issues with parking in this portion of Pinchbeck Rd will be exacerbated by the large number of residents the proposal could potentially hold and an inadequate amount of parking provided by the development
- HMO status will degrade the character of the listed building
- Increase in the number of residents and liveable rooms will present major overlooking risks to neighbouring properties
- Risk of noise generation by residents of the HMO risks the amenity of neighbouring properties
- Risk of anti-social behaviour on site
- The proposal does not respect the history or significance of the site
- Risk of overflow parking onto nearby business' customer car parks
- Risk of littering and rubbish overflow

7.0 CONSIDERATIONS

7.1 Planning Considerations

7.2 Principle of Development

7.3 8 Pinchbeck Rd is situated within the Defined Settlement Boundary for Spalding. The site is also situated within Flood Risk Zone 3 - the highest possible risk level. A Flood Risk Assessment (FRA) has been conducted to supplement this application. The supplied FRA document confirms that whilst the site is within zone 3, the actual risk of flooding at this site remains 'low' and therefore, the agreement that ground floor levels should be at least 0.15m above ground level, and that residents should be made aware of the risks and because of the above and the likelihood that emergency action would be taken should a failure occur at the Pode Hole Depot are all mitigating factors. The FRA document therefore confirms that the proposal passes the sequential test and is therefore acceptable from a flood risk perspective.

7.4 However, Policy 21 of the South East Lincolnshire Local Plan states that;

"Proposals for the creation of large Houses in Multiple Occupation and the sub-division of dwellings will be permitted provided that, in each case: (...)

3. it would not have a significant adverse impact on the character and appearance of the area, including the historic and natural environment; (...)

5. it would not have a significant adverse impact on the surrounding area by way of increased on-street parking, impaired highway safety or by impeding proper access to the area"

7.5 As will be outlined below, it is considered that the proposal would be harmful to the character of a heritage asset and also that whilst no material objections were raised by the Highways Authority to the parking provision on site, a likelihood exists due to the number of proposed bedrooms compared to parking spaces that the proposal would lead to increased on-street parking in the area.

7.6 Therefore, due to the above, based on Policy 21 of the South East Lincolnshire Local Plan (2019), the principle of the development is not considered to be acceptable.

7.7 Heritage Impact

7.8 It is considered that this application proposal would present a risk to the overall character of the heritage asset. The property is a Grade II* listed building, placing it at a higher level of significance than a Grade II designation. This means that great weight must be given to the consideration of preservation of the site. The proposal introduces substantial amounts of layout alterations, with substantial layout alterations proposed throughout the property.

7.9 Whilst it is accepted that the proposed alterations could be reversible and that historic alterations have already modernised the interior to a certain extent, to allow such a major adjustment of layout, with subdivision of many of the liveable rooms to accommodate en-suite bathrooms and other facilities necessary on a unique scale with HMO development would set an uneasy precedent, most especially when relating to a Grade II* listed property, particularly when the scale of such rooms (for instance the room marked F7 on plans, featuring the Oriel window) being of importance to the character itself.

7.10 Furthermore, the proposal to create a large, permeable hard-standing area to the rear in the extant garden area would be detrimental to the overall character of the site and with the removal of a garden space could hamper future efforts to restore the original single residential use by substantially harming and degrading of the quantity of open, private amenity space, via the addition of a large, unflattering car park to the rear of this property which currently enjoys and is partly characterised by its large garden.

7.11 It could be said that such a proposal in isolation would represent less than substantial harm to the site, however, Para 202 of the NPPF (2021) states that where less than substantial harm will be incurred by a proposal it can only be justified through weighing against the public benefit or it's contribution toward achieving the site's optimal use. It is not considered that that there is substantial enough public benefit presented by this application and neither is a HMO considered to be the optimal use for this site and therefore, the inclusion of such a large alteration to the garden space does not assist in achieving an optimal use in any way. In this instance, it is clear from the history of the site and the numerous instances of pre-application advice that have been issued relating to this site that use as s single residential dwelling or minor subdivision into a small number of large apartments is considered far more optimal, both of which could potentially be served by a more modest proposal. Furthermore, whilst situated to the rear of the property, views to the rear of the site are possible across the open car park to the Welland Workspace, therefore, converting the gardens over to an additional paved parking space could be said to be somewhat detrimental to the overall appreciation of the site from public realm views within the conservation area.

7.12 Therefore, for the reasons above, it is considered that this proposal represents a potential source of unacceptable harm to the character of this grade II* listed building. Moreover, the detrimental impact upon the site, most especially to the rear of the property through the inclusion of a large car park fails to either preserve or enhance the Historic Environment as is a requirement of Section 16 of the National Planning Policy Framework (2021)

7.13 Parking Provision

7.14 The plans indicate that 13 allocated parking spaces would be made available to the site, with 16 bedrooms allocated within plans. Appendix 6 of the South East Lincolnshire Local Plan (2019) does not set out specific standards for parking in relation to class C4 (HMO) development. However, the Lincolnshire County Council Highway Authority have commented on the application and confirmed that, whilst the number of parking spaces provided at the site does seem small in relation to the potential scale of the development, there are no objections to the parking provision due to the town centre location and access to opportunities, employment and services within walking/cycling range, with easy access to public transport options, and public parking facilities which could be used by visitors. The Highways Authority also does not believe that there is a risk of unacceptable harm to highway safety in the local area presented by this application.

7.15 However, Policy 21 of the South East Lincolnshire Local Plan, which relates specifically to the creation of HMOs and Dwelling Sub-divisions states that where a large HMO is proposed it can only be acceptable where it would not lead to a substantial addition to roadside parking in the immediate area. With 16 proposed bedrooms and 13 proposed parking spaces it is not unreasonable to assume that such a development could lead to a substantial amount of additional roadside parking, which whilst not perceived by Lincs County Council Highways to be

a material concern or a highway safety risk, does cause the proposal to contradict Policy 21 of the SELLP (2019)

7.16 Residential Amenity

7.17 Some residents have complained of a risk to residential amenity proposed by this application due, in part to a risk of overlooking. It must be argued that this property is a historic house, with an original residential purpose, surrounded entirely by commercial properties and residential sites which are themselves historic or aged in nature. The only residential sites that the property could be said to 'overlook' are those situated along Westlode St which feature large, long rear yards/gardens. Therefore, the rear windows of 8 Pinchbeck Road would only ever overlook the very end of the rear gardens, not common living spaces. Nevertheless, due to the history of the property as a residential site, concerns over overlooking are outweighed and cannot be used to justify blocking any future residential use of this former residential building.

7.18 Complaints regarding potential impact of noise are not supported by an objection by the Environmental Protection Officer, and the site sits within a street frontage location, and has a history of residential use, within a busy, mixed residential and commercial town centre location where some noise is to be expected.

7.19 Refuse storage/collection

7.20 The application includes a proposal to erect a refuse storage facility to the southern edge of the curtilage. Access to the street is not possible via any route on the southern boundary and therefore, any refuse would need to be carried past the back of the property and, around the northern elevation should waste be presented on the streetside for collection, which is roughly a distance of 50m. In this instance, such a distance is against SHDC guidance and therefore the refuse storage facility is not appropriate in its current location, or a private waste collection arrangement would have to be made for collection via the northern vehicle access. It is suggested that should the application be approved, a condition would need to be applied requesting the applicant submit and have approved in writing further details of refuse storage and collection arrangements, prior to first occupation of the site.

7.21 Pre-application advice enquiry reference PE-00047-22

7.22 On 28-02-22, pre-application advice was given to the agent to this application for the proposed conversion of the site to a HMO. At that time, pre-application advice was negative and indicated that use as HMO was not considered optimal and that any proposal which substantially altered the layout of the site would be met with a refusal. The advice further went on to confirm that a smaller scale sub-division, requiring less internal layout alteration, leading to the creation of a small amount of larger, premium properties could well be acceptable. With this report, it is reiterated that such a proposal perhaps of up to 3 separate units would still likely be viewed much more positively than the present proposal.

7.23 The advice issued on 28 February 2022 therefore already outlaid the Local Planning Authority's objections to such a proposal, established the context for the reasons for refusal which are relevant to this case and presented the case for a more favourable alternative proposal.

7.24 Planning Balance

7.25 Whilst it is the case that because of the perceived lack of material impact upon local amenity and highway safety such a proposal could be deemed acceptable, in this instance, the contradiction of Policy 21 of the SELLP (2019) through the supposed harm to the heritage asset and local parking provision as well as wider risks presented to the character of this highly important Grade II* listed building are deemed to be too great, via the substantial layout alteration and loss of original garden space, to recommend approval in this instance.

7.26 Conclusion

7.27 Taking into account these factors, this application is deemed to be in contradiction of Policies

21 and 29 of the South East Lincolnshire Local Plan (2019) as well as Section 16 of the National Planning Policy Framework (2021).

7.28 **Additional Considerations**

7.29 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.

7.30 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.

8.0 RECOMMENDATIONS

8.1 **That planning permission be refused for the reasons listed at Section 9.0 of this report.**

9.0 REASONS FOR REFUSAL

1. As a grade II* listed property, the proposed additional and extensive subdivision of the property would lead to a substantially detrimental impact upon the remaining character of this site and would establish a much altered internal layout rendering much of the original floorplan further unreadable, causing a harmful effect upon appreciation of the heritage asset. Therefore, the proposal falls short of the requirements of Policy 29 of the South East Lincolnshire Local Plan (2019) which established under Policy 29, Section A that all proposals effecting listed buildings should only be accepted where the Local Planning Authority is satisfied that the works are in the interest of the listed building's preservation and do not include proposals which are prejudicial to the special architectural or historic interest of the building or its setting. Furthermore, Policy 29, Section A confirms that developments effecting Listed buildings should only be approved where they preserve or better reveal the asset's significance.

   By harming the readability and character of the internal layout, it is considered that this application would not be in the site's interest, would be prejudicial to the site's character and interest and would neither preserve or better reveal its significance, therefore, making the proposal contradictory to Policy 29 of the South East Lincolnshire Local Plan (2019)

2. The proposal to largely pave over the rear garden to the Grade II* listed building is deemed to be unacceptable in policy terms. The proposal to create a large, permeable hard-standing area to the rear in the extant garden area would be detrimental to the overall character of the site by substantially harming and degrading of the quantity of open, private amenity space, via the addition of a large, unflattering car park to the rear of this property which currently enjoys and is partly characterised by its large garden. It could be said that such a proposal in isolation would represent less than substantial harm to the site, however, Para 202 of the NPPF (2021) states that where less than substantial harm will be incurred by a proposal it can only be justified through weighing against the public benefit or it's contribution toward achieving the site's optimal use. It is not considered that there is substantial enough public benefit presented by this application and neither is a HMO considered to be the optimal use for this site and therefore, the inclusion of such a large alteration to the garden space does not assist in achieving an optimal use in any way. In this instance, it is clear from the history of the site and the numerous instances of pre-application advice that have been issued relating to this site that use as s single residential dwelling or minor subdivision into a small number of large apartments is considered far more optimal. Therefore, the proposal falls short of the requirements of Policy 29 of the South East Lincolnshire Local Plan (2019) which established under Policy 29, Section A that all proposals effecting listed buildings should only be accepted where the Local Planning Authority is satisfied that the works are in the interest of the listed building's preservation and do not include proposals which are prejudicial to the special architectural or historic interest of the building or its setting. Furthermore, Policy 29, Section A confirms that developments effecting Listed buildings should only be approved where they preserve or better reveal the asset's significance.

   Furthermore, given the visibility of the rear of the site from public realm views across the car park of the adjacent business, conversion of the gardens to this prominent building could be considered to be of detriment to the appreciation of the site and therefore the wider Conservation Area setting. Policy 29, Section B, Para 1 confirms that development effecting the conservation area should, as well as preserving the general character of their setting, retain historic ground surfaces

   By harming historic exterior setting of the listed building, it is considered that this application would not be in the site's interest, would be prejudicial to the site's character and interest and would neither preserve or better reveal its significance. Nor would the proposal assist in preserving the character of the wider conservation area setting or retain the historic grassed garden ground surface. The above therefore make the proposal contradictory to Policy 29 of the South East Lincolnshire Local Plan (2019) and by being detrimental to the listed building's setting the proposal would fail to either preserve or enhance the historic environment as is a requirement set forth under Section 16 of the National Planning Policy Framework (2021)

3. Policy 21 of the South East Lincolnshire Local Plans confirms that; *"Proposals for the creation of large Houses in Multiple Occupation and the sub-division of dwellings will be permitted provided that, in each case: (...)*

3. it would not have a significant adverse impact on the character and appearance of the area, including the historic and natural environment; (...)

5. it would not have a significant adverse impact on the surrounding area by way of increased on-street parking, impaired highway safety or by impeding proper access to the area"

As discussed above, the proposal fails to comply with Policy 29 of the South East Lincolnshire Local Plan (2019) being considered to be detrimental to the character of the associated asset and the wider conservation area. Furhthermore, whilst the local highways authority did not present any material objections to the parking provision, given the ratio of bedrooms to parking spaces proposed, it is reasonable to assume that such a development would risk potentially contributing substantially to the amount of on-street parking in the immediate setting. Therefore, due to both reasons above, this application is deemed to be in direct conflict with Policy 21 of the South East Lincolnshire Local Plan (2019).

4. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. However, the issues are so fundamental to the proposal, due to the harm which has been clearly identified within the reason(s) for the refusal, that approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at http://planning.sholland.gov.uk/OcellaWeb/planningSearch

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Background papers:- Planning Application Working File

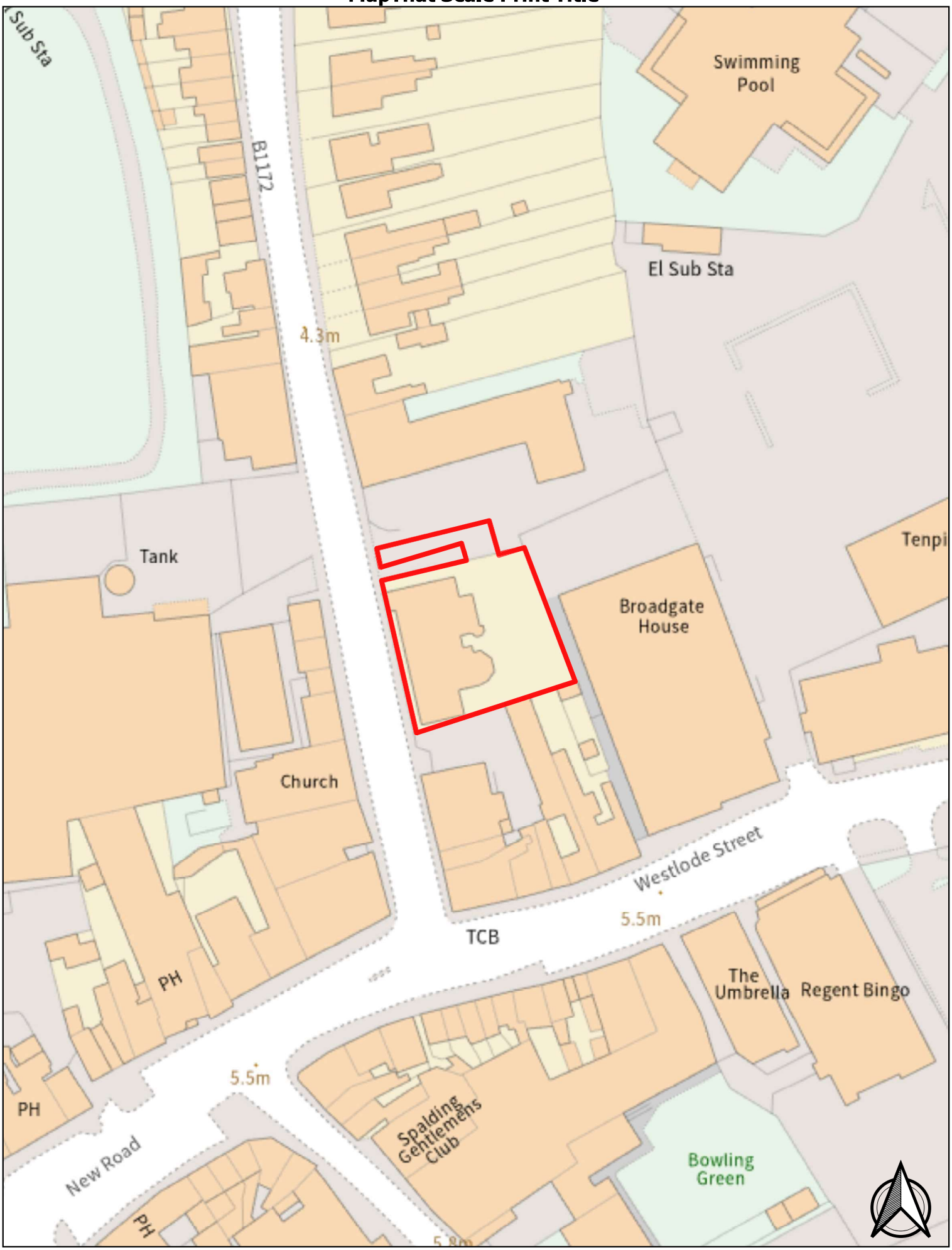
Lead Contact Officer

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Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title



SOUTH HOLLAND DISTRICT COUNCIL

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MAP SCALE 1:1000
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