DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-0646-23**	**Applicant:**	**Dr I Razaq**
Proposal:	Conversion of first floor storage space into one self-contained apartment		
Location:	Kittens Got Claws 2 Victoria Street Spalding		
Terminal Date:	20th September 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
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 2021

Sections 12 and 16 of the National Planning Policy Framework (2023)

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This planning application is for the conversion of the first floor storage space to 2 Victoria Street, as well as alterations to the ground floor shop front.

Site Description

2 Victoria Street is currently/was most recently utilised as a Hair and Beauty Salon (Class E). The property itself is a former C19th Terraced residential property converted for commercial use, much as is the case for the majority of such properties along Victoria Street.

The site is within the Spalding Conservation Area (SCA), situated just off the highly prominent Sheep Market portion of the SCA. The area is largely characterised by similar C19th commercial properties upon the Southern side of Victoria St, with C20th commercial and public development on the opposite side of the road. The property does back onto the curtilage of the Grade II listed Sessions House, which is a locally prominent historic structure.

History

H16-0476-23

Conversion of the first floor storage area into a self-contained flat. Prior Approval refused on 19-07-23.

Consultation Responses

Lincolnshire County Council Historic Environment Record

No archaeological input required.

Lincolnshire County Council Lead Local Highways and Flood Authority

No objections

South Holland District Council Environmental Protection Officer

No objections.

Planning Considerations

Principle of Development

The proposal site is well within the defined settlement boundary for Spalding. The site is within flood risk zone 3, however, the only residential space being created by this application would be above ground floor. The submitted flood risk assessment confirms that as a successful mitigation strategy would place bedrooms at an above-ground-floor level. For these reasons, the principle of development at this location is deemed to be acceptable under Policies 1 and 4 of the South East Lincolnshire Local Plan (2019).

Heritage Impact

The Local Planning Authority (LPA) does not consider there to be any risks presented to the value or significance of any nearby heritage asset by this proposal. The first floor conversion element of this proposal seeks not to make any external alterations and so this aspect of the proposal can be deemed to have a neutral impact. The proposal does also include a request to make substantial alterations to the shop front at ground floor level on this property.

As it stands, the existing shop front is a fairly traditional timber and plate glass shop frontage, formed of 3 bays. 2 glazed display bays (1 larger to the right of the site as viewed from the streetside and 1 smaller to the left) and a single front door. It is proposed to replace the left hand side display bay to a timber door, which will allow access to an internal staircase servicing the above ground floor flat. The existing front door to the ground floor retail unit will then be shifted into

the diagonally oriented side aspect of the existing bay. It is proposed to maintain use of a timber and glass frontage, and the proposed styling remains identical to the extant, all of the extant signage shall remain intact and unaltered. As the proposed works to the shop frontage is considered sensitive and makes use of materials appropriate for use within the historic environment, the LPA concludes that the proposal therefore respects the immediate setting in terms of design and appropriate materials, as it required by Paragraphs 7.3.11 & 7.3.13 as well as Policy 29, Section B of the South East Lincolnshire Local Plan (2019).

By utilising appropriate materials and design, the proposal can be considered to preserve the value and significance of the heritage asset, however, it is not considered to enhance the setting. Its impact is therefore considered to be neutral. It is therefore acceptable under Policies 2, 3, and 29 of the South East Lincolnshire Local Plan (2019) (SELLP).

Design and Layout

As discussed above, the LPA does not consider there to be any detrimental impacts risked by this proposal via its design, which is considered to be appropriate to the setting.

The proposed layout preserves the existing ground floor shopping frontage retail use, and the proposed alterations to layout appear to be suitable to the proposed above ground floor use as a self contained flat.

Residential Amenity

The LPA does not consider there to be any material risk of overlooking or overshadowing presented by this application. The proposal does not include any exterior dimensional alterations, and neither does it include the creation or installation of any new above-ground-floor windows or apertures, as such, it is concluded that there is no material risk of overlooking or overshadowing presented by this application.

Parking Provision

This proposal is set forth as a car-less development, however, it must be noted that this is a highly central, town centre location with easy pedestrian access to a broad variety of retail facilities, services, entertainment and employment opportunities. Policy 36 and Appendix 6 of the SELLP confirms that 1 bedroom proposals such as this and proposals in such urban settings can have the requirement for vehicle parking waived. The LPA concludes that this is one such exception.

Conclusion

For the reasons listed above, this application is deemed to be in accordance with Policies 1, 2, 3, 4, 11, 17, 29, 36 and Appendix 6 of the SELLP in addition to Sections 12 and 16 of the National Planning Policy Framework (2023). 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.