

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0888-23 **Applicant:** Belcast Holdings Ltd.

Proposal: Change of Use from Building in Multiple Occupation (9 Rooms) to 5 Apartments and External Alterations (Bentleys Bar and Restaurant at ground floor retained)

Location: 2 New Road & 1-3 Chapel Lane Spalding

Terminal Date: 18th March 2024

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
11	Distribution of New Housing
17	Providing a Mix of Housing
29	The Historic Environment

National Guidance

National Planning Policy Framework 2023

Sections 12 and 16 of the National Planning Policy Framework (December 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	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This Listed Building Consent Application is for the change of use from Building in Multiple Occupation to 5 Apartments, including some minor alterations at 2 New Road and 1-3 Chapel Lane, Spalding.

The list of external alterations is the following;

- Replacement of all windows on 3 Chapel Lane with Timber like-for-like replacements.
- Replacement of frontage windows of 1-2 Chapel Lane and 2 New Road with timber replacements, in the case of 2 New Road, the applicant also reserves the option for aluminium / crittall type windows to the front
- Replacement of all windows to the rears of 2 New Road and 1-2 Chapel Lane with UPVC.
- Installation of 2 roof lights on the rear roof pitch of 1-2 Chapel Lane.
- Replacement of existing rear, 1st floor door at 2 New Road with a UPVC replacement.
- Installation of a new plastic decking to replace the extant timber on the flat roof toward the rear of 2 New Road.
- Creation of a new door opening at the 1st floor rear element of 2 New Road.
- Cladding of the set back rear to 2 New Road with cedar boarding.
- General repairs to the roof of 2 New Road, including repointing of chimney and parapet.
- Extension of 1st floor roof parapet on 2 New Road, including corresponding repositioning of existing A/C unit.
- Replacement of render on front of 1-2 Chapel Lane.

Internally, it is proposed to remove a great deal of the subdivisions that were added under a 2009 consent, in order to create fewer, larger individual residential units.

Site Description

3 Chapel Road is a Grade II listed, property. Historic England describes the property like so:

"Early C19. 2 storeys, rendered. 1 gabled dormer. 2 windows, hung sashes with glazing bars, keystones. Band between storeys. Fire plaque. Ground floor has bowed early C19 shop front and modern door."

It should be noted that numbers 1 & 2 as well as 2 New Road are not listed. However, they are considered to be non-designated heritage assets, with Nos 1 & 2 Chapel Lane being expressly mentioned as being a part of the historic context of the listed, and attached property.

It should be additionally noted that the front facade of 1-3 chapel lane effectively forms the northern boundary of the conservation area, such that the rears of those properties are not within the Spalding Conservation Area (SCA). The SCA's boundary runs north/south along the western boundary of 2 New Road, meaning that the rear of that element of the proposal site is within the conservation area.

2 New Road is a highly prominent building within a central location of the SCA. 1-3 Chapel Lane are adjacent, however, due to their more secluded alley frontage, they are far less prominent to the overall theme of this portion of the Conservation Area.

History

H16-0420-09

Conversion of first and second floors to house of multiple occupation (HMO). Approved on 06-08-09

H16-0934-09

Proposed illuminated hanging sign. Approved on 21-01-10

H16-0185-11

Alterations to ground floor rear access

H16-0824-11

Proposed illuminated signage. Approved on 21-12-11

H16-0825-11

Proposed timber first floor parapet wall screening and fire escape safety railings (part retrospective).
Refused on 05-01-12

H16-0839-11

Proposed signage. Approved on 21-12-11

Consultation Responses

Lincolnshire County Council Historic Places Team

Requests that a condition be applied requiring the applicant to take a photographic recording of 1-3 Chapel Lane once the render has been removed, prior to replacement and that such a photographic record be lodged with the Historic Environment Record

SHDC Licensing Team

The Premises holds a Premises Licence PL0381 under the Licensing Act 2003. The applicant is reminded to please contact the Licensing Team if there are any changes to the licence.

SHDC Environmental Protection

No objections

Lincolnshire County Council as Lead Local Highways and Flood Authority

No objections.

Planning Considerations

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Heritage Impact
- Principle of Development and Sustainability
- Residential Amenity
- Flooding Risk Considerations

Evaluation

Section 38 (5), (5A), (5B) and (5C) of the Planning and Compulsory Purchase Act 2004, as amended through the Levelling-up and Regeneration Act 2023, requires for the purposes of any area in England, that the Local Planning Authority makes decisions in accordance with the adopted Development Plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise.

Section 38 (5) of the Planning and Compulsory Purchase Act 2004, as amended through the Levelling-up and Regeneration Act 2023 specifically details that:

(5) If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.

(5A) For the purposes of any area in England, subsections (5B) and (5C) apply if, for the purposes of any determination to be made under the planning Acts, regard is to be had to: (a)the

development plan, and (b) any national development management policies.

(5B) Subject to subsections (5) and (5C), the determination must be made in accordance with the development plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise.

(5C) If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy".

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is also able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of Development

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Sub-Regional Centres, development will be permitted that supports their role as a Sub-Regional Centre.

The National Planning Policy Framework, (NPPF) (December 2023) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay and that land with permission is developed without unnecessary delay".

Para 70 of the NPPF (December 2023) also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The application site in this instance is within Spalding, a Sub-Regional Centre, and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of residential development within this location is considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

Heritage Impact

The Local Planning Authority (LPA) does not consider, on balance, this proposal to present an undue risk to the value or significance of any heritage asset.

It is important to make note of the fact that the only element of the proposal site that is listed is the easternmost portion of 1-3 Chapel Lane (Number 3). All other elements of the site can only reasonably be concluded to be NDHAs, which do still hold weight.

The application seeks to replace windows throughout. On all elements of the Listed Building, the applicant seeks to replace windows with timber like-for-like units. No further external alterations to the listed building are proposed, with only minor removal of internal, modern subdivisions proposed. The work to the listed building is deemed to have no impact on the value or significance of the asset, and so judgement of the heritage impact, falls upon impact upon the conservation area.

All proposed windows upon frontage elevations across both 1-2 Chapel Lane and 2 New Road are proposed to be timber, or aluminium, to be finalised by means of condition. Either option would be heritage appropriate and therefore, also not considered to have a negative impact upon the value or significance of the SCA.

It is the rearward proposals which can be said to present risk. It must be noted that the rear of 1-2 Chapel Lane is not within the conservation area and as such, the minor alterations, including installation of UPVC windows cannot be argued to have a great impact, especially since the elevation is almost entirely shielded from public view and already features UPVC windows throughout.

However, with that said, the applicant seeks a multitude of alterations to the rear of 2 New Road (which is within the SCA) that under normal circumstances would not be permissible, such as the cladding of the rear, and installation of UPVC windows and doors. However, the rear elevation of 2 New Road is not of any particular value, being a somewhat unsightly, C20th flat roofed extension, covering the historic rear of 2 New Road. The effected rear section is also shielded from public realm views largely by the single storey, flat roofed extension that spans up to the roadside of Swan Street and forms the rear entrance to Bentleys Bar and Grill

As a result, as defined under S16 of the NPPF, the LPA deems that this proposal would present harm, but categorised under 'less than substantial harm'. Paragraph 208 of the NPPF states that *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*

Given that in this instance, the less than substantial harm is extremely low impact, representing an extremely minor change to the way the building would be appreciated within the SCA, upon an elevation marred with a history of visually intrusive alterations, the public benefit in asserting a viable use which - as shall be explored later in this report - bears a much lighter impact on its setting than as extant, the proposal of harm is deemed to be acceptable.

Residential Amenity

The Local Planning Authority does not consider there to be any risk to residential amenity presented by this application, in fact, various elements of the proposal could be argued to enhance residential amenity in the immediate area.

The application does not seek the creation of any new window openings, apart from the creation of two new roof lights to the rear of 1-2 Chapel Lane. These are above eye height and do not face toward any other nearby building, only out toward Swan Street. The application does also seek to create a new doorway on the rear of the 1st floor element of 2 New Road, however, this similarly does not face toward any residential properties, and creates access to an area which is already an

open veranda.

Otherwise, no further window or door alterations are suggested, and neither are there any proposed dimensional alterations. The apartments would be afforded some shared amenity space by virtue of the veranda space via which the apartments would be accessed by foot. However, this is not a change from the existing HMO status and should be expected with living in urban apartment spaces. Given the reduced amount of residents that the 5 apartments would allow over the existing 9 HMO units, the pressure on local amenity is greatly reduced, particularly in terms of potential for noise generation.

Flood Risk

The proposal site is within Flood Risk Zone 3, which is the highest possible risk level. However, the proposal is for the reconfiguration of the above ground floor portions of the building, which already holds a residential use. Therefore, as far as flood risk is concerned, no functional difference in use is proposed and the site is naturally resilient to flood risk as it is set at an above ground floor level.

Parking Provision

The application makes no provision for vehicle parking on site. However, this is not a change from the existing arrangement for the 9 unit HMO. The reduction of bedrooms by 2 means that there is a lesser capacity for peoples and therefore vehicles to be associated with this site and therefore, the parking provision stress is reduced by this proposal. Furthermore, the town centre location of the proposal is conducive to car-less development and the County Council Highways authority has declined to object on that basis.

Planning Balance

As detailed above, Section 38 (5) and its subsections of the Planning and Compulsory Purchase Act 2004, as amended through the Levelling-up and Regeneration Act 2023, requires for the purposes of any area in England, that the Local Planning Authority makes decisions in accordance with the adopted Development Plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise.

It can be said that the proposal fails to satisfy Policy 36/Appendix 6 of the SELLP. However, in this specific set of circumstances, the proposal would actually represent a reduction in parking requirement on site and therefore, actively alleviates local highway stress. The principle of car less development on this site is already established by the extant residential use.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, the matter of parking provision is the only element against which a recommendation to approve must be balanced, but the specific circumstances surrounding this plot can be said to justify this lack of provision. As such, the planning balance is in favour of the development.

Conclusion

For the reasons listed above, this application is deemed to be in accordance with Policies 1, 2, 3, 4, 11, 17 and 29 of the SELLP as well as Sections 12 and 16 of the NPPF. The recommendation is therefore to approve.

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.