DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H16-1020-23**	**Applicant:**	**Mr & Mrs Willis**
Proposal:	Change of use of part of ground floor at the rear, and upper floors into residential (class C3a), front ground floor retention as shop (class E) and internal alterations		
Location:	17 Station Street Spalding		
Terminal Date:	12th January 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
21	Houses in Multiple Occupation and the Sub-Division of Dwellings
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 7 - Ensuring the vitality of town centres
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 16 - Conserving and enhancing the historic environment

Representations:

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

SPALDING & DISTRICT CIVIC SOCIETY	0	0	0	1
SHDC INTERNAL	0	0	1	1

CASE OFFICER ASSESSMENT

B]Description of Proposal

The proposal seeks full planning permission for the change of use of the upper floors, along with the rear of the ground floor, from commercial (class E) to residential (class C3). The change of use would be accompanied by internal alterations; however, the only external alteration proposed is the addition of an air pump condenser to the rear.

The class E use of the main shop floor would be retained.

The internal alterations would create two bedrooms on the second floor, with a kitchen and living space on the first floor. A utility room would be located to the rear entrance. The main entrance for this new residential unit would be along Chapel Lane, which currently serves as a rear entrance to the property.

The space to be converted is currently used as overflow storage space for the ground floor shop. The alterations would reduce the gross commercial space by 101sqm, reducing it 49sqm.

Site Description

The site is within the settlement boundaries of Spalding, as outlined within the South-East Lincolnshire Local Plan, 2019. The property is located within the defined town centre limits but is not within the primary shopping area. The site fronts onto the Sheep Market, which forms one of the two principal shopping areas in the town. While the site is within the historic core of Spalding and the property itself reflects this, there are a number of late 20th century buildings in the area. This gives the Sheep Market a somewhat mixed architectural identity.

17 Station Street is a three-storey terraced unit constructed of yellow-brown brick. To the immediate north is a sister property, 18 Station Street, which has a mirrored frontage. The use of bay and arched windows is common within this section of Spalding. Similarly, the ground floor shop front is typical of the area.

Relevant History

No relevant history.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Environmental Protection

No comments.

Conservation Officer

"No objections. The proposal site is a commercial property in a highly prominent Conservation Area setting. However, this application does not seek the external alteration of the site, apart from the addition of an A/C unit on the rear, side elevation which will not be readily or significantly visible

from any public realm views."

Spalding and District Civic Society

"Whilst this building is within the conservation area, we cannot see that there will be any external impacts on the appearance of the building and its setting within the conservation area. Therefore we have no objections to this application"

Lincolnshire County Council Highways/SuDS

No Objections:

The proposal is to change the use of the upper two floors of these premises back into residential occupation, as they would originally have been, and to undertake minor works on the ground floor, at the rear of the premises, to facilitate separate access to the residential accommodation from the retained retail use at the front.

The premises are in the centre of the town, within sufficiently convenient walking distance of a wide range of shops, services, facilities, employment opportunities and public transport options for it not to be necessary for residents of the proposed accommodation to have the use of a motor vehicle to go about their daily lives and the absence of any off-street car parking on the site does not, in this case, warrant withholding the grant of Consent on highway grounds. It is recommended though that sheltered, secure cycle parking is provided within the accommodation for residents.

In consideration of the above, and 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 development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

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, December 2023 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which 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 need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 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.

The site is within the settlement of Spalding which is classed as a "sub-regional centre" within Policy 1. As such development will be permitted that supports Spalding's role as a service centre, helps sustain existing facilities or helps meet the service needs of other local communities.

The NPPF outlines, within Paragraph 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".

Paragraph 70 of the NPPF 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 paragraph 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.

As the site is within Spalding, development within this location is considered appropriate. The proposal would support the settlement's role as a sub-regional centre and make a small positive contribution to local housing stocks.

In the case of conversions, Policy 1 is supported by Policy 21. This outlines eight criteria for proposal to meet in order to be considered acceptable. Assessing the proposal against these criteria the following is considered:

1.The proposal would not result in the loss of a family sized dwelling.
2.The proposal would significantly harm the amenities of adjacent occupiers. The amenity impacts are covered in more detail below.
3.As the only external alteration is minor, and would not be visible from the street scene, the potential character impacts are low. The design and character impacts are covered in further details below.
4.A bin storage space is located within the courtyard. This would be hidden from public view. The proposal provides adequate space for the storage of refuse.
5.As the site is within the town centre, it is considered that the provision of a parking space is not necessary. Adequate parking is provided within the town centre and the addition of a two-bedroom dwelling would not have a significant impact upon this.
6.As the site is within Spalding town centre, it would benefit from good access to facilities via walking. Cycle storage space can also be accommodated within the courtyard to ensure satisfactory access via bicycle.
7.The proposal provides adequate amenity space. A decent sized living room would be provided. While the kitchen space is small, it would still be sufficient for the needs of the residents.
8.While no garden space is provided, this is typical of town centre developments, and is therefore not considered to be unacceptable.

Where these criteria have been met, the proposal should be assessed against the National Described Space Standards. This requires a minimum floor space of 70sqm for a two-bedroom, three-person dwelling or 79sqm for a four-person dwelling. As 101sqm of floor space would be provided, the proposal conforms to these standards. The bedroom sizes also conform to the Space Standards.

The provision of such development within a town centre must also be considered. In this regard, Policy 25 of the SELLP, "supporting the vitality and viability of Boston and Spalding town centres", places an emphasis on the preservation of existing town centre uses. This policy operates in conjunction with Policy 27, which outlines the need for additional retail space. These policies are supported by Section 7 of the NPPF "ensuring the vitality of town centres".

Paragraph 90f of the NPPF states that planning policies and decisions should "recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites". In line with this paragraph, some weight should be given in favour of this proposal. The proposal would help to ensure the long-term future of the unit via the removal of extraneous storage space.

Therefore, the proposal is considered to be in accordance with Policies 1, 21 and 25 of the SELLP, as well as Paragraphs 60, 70 and 90 of the NPPF. The principle of development on this site is considered acceptable subject to other material considerations being met.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed and beautiful places", states that " creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the NPPF and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

No visible exterior alterations are proposed. The addition of the air pump would not be visible from the public realm due to the existing boundary wall. As such, the visual impact of the proposal would be negligible.

Within the town centre, residential uses above stores are common. As such, the conversion would not result in the property becoming an outlier. Such change of use would not adversely imapct upon the character of the area in this regard.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impacts Upon Resident Amenity

Paragraph 135 of the NPPF states that development should create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

As no significant exterior alterations are proposed, the change of use would not create additional levels of overshadowing, or result in additional dominance to the surrounding properties.

The change of use would not increase levels of overlooking. No new windows are proposed, ensuring no additional overlooking would be created; albeit the change in use proposed is likely to

increase the extent that the upper floors are occupied or utilised, including the use of these windows that exist. Any sites visible from the windows are currently entirely visible from the public realm and as such, wile additional use may occur, this is not considered to give rise to an unacceptable imapct in this regard.

As detailed above, the scale and design of the proposal is considered to have no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the Section 12 of the National Planning Policy Framework (December 2023) and Policies 2 and 3 of the South East Lincolnshire Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 115 advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

As the site is within Spalding town centre, the requirement for parking can be reduced. Residents would have access to all essentially services via sustainable modes of transport, and therefore, the need for parking is less. In the event that parking is required, residents can make use of the town centre facilities.

A cycle storage area has been provided within the courtyard area. As such, the proposal would achieve the cycle storage standards outlined within Appendix 6 of the SELLP.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the South East Lincolnshire Local Plan, as well as Section 9 of the National Planning Policy Framework (December 2023).

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 of the NPPF states " aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding". The sequential approach is required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The site lies within Flood Zones 3of the Environment Agency's Flood Maps. These have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into

account any flood defences.

The South-East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the SELLP is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is not classed as at risk of flooding

Due to the significant flood defences in place, the site is not considered to be at risk of flooding. That being said, all living accommodation would be located on the first or second storey. As such, the potential impacts of flooding would be minimal, with only the utility room being impacted.

The proposal would, to a certain extent, increase the potential impact of flooding on the commercial unit. The loss of upstairs storage would reduce the potential for stock to be moved to a safe location. That being said, as the site is not at a significant risk of flooding, it is not considered that this risk to the shop is unacceptable.

Overall, when considering the development on balance, it is considered, given the mitigation measures detailed and recommended by condition, that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning Policy Framework (December 2023) with regards to flood risk.

Heritage and Conservation

Policy 29 of the South East Lincolnshire Local Plan, alongside Section 16 of the NPPF, relates to the preservation of the historic environment. Both outline that all applications within the Conservation Area should preserve or enhance the setting locale.

In this regard, in respect of any buildings or other land in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area, through Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990.

The NPPF expresses the importance of considering the impact of development on the significance of designated heritage assets; advising that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the NPPF states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".

Policy 29 (The Historic Environment) states amongst other matters that the distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced, in keeping with the policies in the NPPF. Development proposals will expected to conserve and enhance the character and appearance of designated and non-designated heritage assets, including archaeology, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design.

It is considered that as the only external change proposed is an A/C unit to the rear where it would not be visible, the impact upon the historic environment would be negligible. This stance has been reaffirmed via the comments of the Conservation Officer and the Spalding and District Civic Society. As such, it is considered that the external alterations and nature of the change of use would not

cause harm to the asset, this being the Conservation Area.

As such, the proposal is considered to accord with Policy 29 of the South East Lincolnshire Local Plan, Section 16 of the National Planning policy Framework and Section 72 the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Balance

As detailed above, Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

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, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning Policy Framework when viewed as a whole.

Conclusion

Taking these factors into consideration, the proposal is considered to comply with Policies 1, 2, 3, 4, 10, 11, 25, 29, 33, 36 and Appendix 6 of the South East Lincolnshire Local Plan, as well as Sections 4, 5, 7, 9, 12, 14, and 16 of the National Planning Policy Framework. There are no significant factors in this case that would outweigh the benefits of the proposal; therefore, the planning balance is in favour of the proposal.

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.

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.