

## DECISION DELEGATED TO DEVELOPMENT MANAGER

**Application No:** H16-1029-19      **Applicant:** Mrs B Snowden  
**Proposal:** Change of use from B1 (Offices) to D1 (Educational)  
**Location:** 2 Red Lion Street Spalding  
**Terminal Date:** 17th December 2019

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### Planning Policies

#### South East Lincolnshire Local Plan - Adopted: March 2019

|    |                                                                           |
|----|---------------------------------------------------------------------------|
| 01 | Spatial Strategy                                                          |
| 02 | Development Management                                                    |
| 03 | Design of New Development                                                 |
| 25 | Supporting the Vitality and Viability of Boston and Spalding Town Centres |
| 26 | Primary Shopping Frontages                                                |
| 29 | The Historic Environment                                                  |

#### National Guidance

#### National Planning Policy Framework 2019

Section 12 - Achieving well-designed places  
Section 16 - Conserving and Enhancing the Historic Environment

### Representations:

|             | Object | Support | No Obj. | Comments |
|-------------|--------|---------|---------|----------|
| WARD MEMBER | 0      | 0       | 0       | 0        |

### CASE OFFICER ASSESSMENT

#### Proposal

The proposal is for a change of use from B1(Offices) to D1(Educational) for the purposes of use as classrooms for a private tutoring provider. The proposals include no visual, structural, design or layout changes - the proposal is purely a change of use.

#### Site Description

The proposal site is the 1st floor of a highly characterful Victorian stone-coloured brick commercial

property and sits within the historic core of Spalding Town centre, adjacent to multiple Listed buildings including the Grade II listed Lloyd's Bank and the directly adjacent Grade II\* listed Red Lion Hotel.

## **History**

### H16-1057-19

Use of first floor for office accommodation to include alterations to external elevations - APPROVED on 11/10/2007

### H16-0703-19

Change of use from offices to residential - REFUSED on 17/09/2019.

## **Consultation Responses**

None received.

## **Planning Considerations**

### Principal of Development

The site does sit within the primary shopping area, however, as the current use of the site is B1(Business) and is a 1st floor location, the current A1 site on the ground floor will not be impacted in any way. The South East Lincolnshire Local Plan (2019) does not seek to obstruct change of use from B1 to D1 in such cases. Therefore, the principal of development is acceptable.

### Design and Layout

The local planning authority seeks no amendment to the design or layout of the proposals. This is because the proposals include no changes to either the design or layout of the property and both the design and layout of the property is deemed suitable to service the proposed use as classrooms.

### Heritage Impact

The Local Planning Authority concludes that the proposals would have no negative impact upon the character of the host building, or the qualities and significance of either the nearby listed properties or the Spalding Conservation Area at Large. This is because the proposals include no physical changes to the property and as it is currently vacant, it is thought that allowing the site to be occupied by a tenant will bring it in to use and prevent the site from becoming a risk to the Conservation Area's qualities.

For these reasons, it is determined that the proposals will help to CONSERVE the historic environment.

## **Conclusion**

For the reasons listed above, it is determined that this application is in accordance with policies 1, 2, 3, 25, 26 and 29 of the South East Lincolnshire Local Plan (2019) and Sections 12 and 16 of the National Planning Policy Framework (2019). 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.