

DECISION DELEGATED TO DEVELOPMENT MANAGER**DECISION DELEGATED TO DEVELOPMENT MANAGER**

Application No: H16-1120-19 **Applicant:** Mr R Karagolam

Proposal: Part conversion/new build of derelict outbuildings into two self-contained flats

Location: 15 New Road Spalding

Terminal Date: 3rd March 2020

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 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
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SPALDING & DISTRICT CIVIC SOCIETY	0	1	0	0
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This full planning application is for the part-conversion/rebuilding of the derelict outbuildings to the rear of 15 New Road, Spalding for use as two self-contained flats.

Site Description

The proposal site sits within the Spalding Conservation Area along New Road, which forms a part of the primary shopping frontage of Spalding and is a prominent thoroughfare into the historic core of the town.

The building itself, whilst not listed is highly distinct in the immediate area due to its decorative facade which displays; feature windows including central arched windows including an arched and pedimented window, side and central stone detailing and window cills, and a projected central segment with rear access archway with a stone arch mouth including decorative keystone.

To the rear the building are a series of outbuildings which form the boundary of the property, creating a rear courtyard, these outbuilding are partially derelict, with the Northern-most portion completely lacking a roof. These structures are what it is proposed to convert/partially rebuild to form the proposed flats.

Surrounding the North and West boundary of the property is a paved parking area which is accessed by the rear of the Black Swan pub and the access route in-between the proposal site and 13 & 14 New Road.

This portion of the Conservation Area is largely characterised by 2-3 storey, C18th & C19th commercial properties. The site is within visual proximity of the Grade II listed Black Swan and Punchbowl Pubs.

History

H16-0599-11

External staircase and landing area (retrospective) and replacement boundary wall. APPROVED on 19/10/2011

H16-0760-11

Use of first and second floors for multiple occupation (9 residents). APPROVED on 11/01/2012.

H16-0865-12

Change of use of ground floor from Class A1 (Shops) to Class A5 (Hot Food Take-Away). APPROVED on 13/12/2012.

H16-0701-13

Proposed change of use from A1 (shop) to A5 (hot food takeaway). REFUSED on 07/10/2013.

H16-0841-13

Reinstatement of store building, raise part of existing boundary wall and new slate roof (retrospective). APPROVED on 12/11/2013.

H16-0995-13

Internal alterations and external ventilation flue. APPROVED on 27/01/2014.

H16-0856-14

Proposed change of use from A1 to A5. REFUSED on 10/12/2014.

H16-0507-15

Conversion of derelict outbuildings into two self-contained flats. APPROVED on 12/08/2015.

H16-1005-15

Timber window and surround repairs/replacement. APPROVED on 06/01/2016.

H16-0031-16

Conversion of derelict outbuildings into 2 self-contained flats - approved under H16-0507-15.
Removal of Conditions 4, 5 and 9 relating to the need for timber windows and doors. REFUSED on 29/02/2016

H16-0030-16

Details of roof materials, rooflights and cycle storage (Conditions 3, 6 and 7 of H16-0507-15).
APPROVED on 01/04/2016.

H16-0278-16

Large scale cross sectional details (Condition 3 of H16-1005-15). APPROVED on 23/05/2016.

H16-0462-18

Change of use from A1 use (Shop) to A3/A5 (Restaurant/Takeaway). ALLOWED AT APPEAL on 18/06/2019.

Consultation Responses

Spalding and District Civic Society

The Civic Society supports the application, raising no objections. They are pleased to note that cycle storage is included in the proposals.

Lincolnshire County Council Lead Local Highways and Flood Authority

No objections, and does not wish to restrict the granting of planning permission.

South Holland District Council Environmental Protection Officer

No objections.

Planning Considerations

Principle of Use

The proposal site had most recently been used as storage outbuildings for the associated commercial property at the frontage of the building. As such it is considered that to change the use of such buildings is acceptable as the proposal does not remove viable A1 use floor space to a degree which impacts negatively upon the ability of the associated commercial property to function successfully. In addition, the site sits within the Spalding defined settlement boundary. Therefore, the creation of new residential units in this area is deemed to be acceptable.

Design and Layout

The Local Planning Authority does not seek any amendment to the design of the proposals. This is because the proposals are effectively to the reinstatement/restoration of existing buildings, and so

the design will be more or less functionally the same as the site as it currently stands. The only discernible difference from the public realm will be rear elements of the boundary wall/outbuilding, which will be fully reinstated after partially falling down and slightly raised from the original to meet the new roofline.

The layout of the proposals is deemed to be suitable for their proposed use as self-contained flats.

Heritage Impact

The proposals are not considered to present a risk to the significant or visual and aesthetic value to the conservation area. This is because the proposals are effectively a restoration of a set of dilapidated buildings and because the buildings themselves form the boundary, the restoration will tidy up what is undoubtedly an eyesore, and safety risk, in the form of the significantly damaged rear boundary wall. Due to the nature of the structure, the rear wall of the buildings, as is the case already, will be the boundary of the property and therefore the only publicly viewable element of the proposal, effectively meaning that the view of the property from the public realm will remain unchanged, save for the restoration of the Northern wall.

The applicant has not provided details of the proposed windows, doors, rooflights, roof tiles or bricks. Due to the Conservation Area location of the site, and notwithstanding the details submitted, the appropriate materials and detailing shall be ensured by means of condition.

With this considered, because the proposals will have a positive visual impact upon its immediate conservation area surroundings by means of restoration of damaged brickwork and by bringing back into use a derelict set of buildings in the Conservation area, it is deemed that they help to ENHANCE the historic environment.

Residential Amenity

It is not considered that there is any risk presented to the residential amenity of any nearby residential properties. This is because the area is characterised by buildings in commercial use at ground level with 1st and 2nd floor flats. Additionally, because the proposals are single storey in nature, they do not present any risk of overlooking or overshadowing to any nearby properties.

Whilst it is generally accepted that residential sites should have some provision for amenity space for their residents, given that the site is a historic, town centre location and because residents will have communal use of the small courtyard to the front of both proposed units, it is considered that in this instance it is not necessary to require such space.

Vehicle and Cycle Parking

These proposals do not include any provision for vehicle parking. However, it is a town centre development and as such roadside parking is proposed. Roadside parking is abundant in the area and the Lead Local Highways Authority have accordingly raised no objections. In order to comply with Policy 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019), the applicant has included ample provision for secure cycle storage on site.

Conclusion

For the reasons listed above, it is determined that this application is in conformity with Policies 1, 2, 3, 11, 17, 29, 36 and APPENDIX 6 of the South East Lincolnshire Local Plan 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.