

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H16-1319-21	Applicant:	AS & S Property Investments Ltd.
Proposal:	Internal alterations and conversion from Class E to mixed use Class E/Class C (12 residential units)		
Location:	11 Market Place Spalding		
Terminal Date:	12th August 2022		

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
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
24	The Retail Hierarchy
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres
26	Primary Shopping Frontages
28	The Natural Environment
29	The Historic Environment
30	Pollution
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards
APPENDIX 8	Developer Contributions for Education Facilities
APPENDIX 9	Developer Contributions for Health Care Facilities

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments
--	--------	---------	---------	----------

WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	3
OTHER STATUTORY BODIES	0	0	0	4

CASE OFFICER ASSESSMENT

Proposal

Full planning application for internal alterations and conversion from Class E to mixed use Class E/Class C (12 residential units).

The building was last used as solicitors' offices and this proposal would change the use to retain a commercial element on the ground floor (Use Class E), with three x 2 bedrooms flats and 9 x one bedroomed flats on the upper floors.

Vehicle access would continue to be from Drapers Place and the existing parking spaces utilised. It is proposed that four spaces would be used for the office element and one space allocated per flat. Cycle parking will be located in the existing building and 20 cycle parking spaces are proposed.

Internal alterations are proposed to facilitate the conversion to residential use.

The application is supported by a Design and Access Statement incorporating Heritage Impact Assessment, a Viability/Vacant Building Credit Report, a Schedule of Works and a Flood Risk Assessment.

Alterations have been made since submission to revise the internal layouts to minimise the loss of historic fabric.

Site Description

The application site comprises a substantial mid-terrace property located on Market Place in Spalding town centre and within the Spalding conservation area. Market Place, which is largely pedestrianised, lies within the designated Primary Shopping area for Spalding and is also designated as Primary Shopping Frontage.

The building, which is located within the Spalding Conservation Area, is Grade II Listed. The listing

description describes it as:

Mid C19. 4 storeys in brick with stone dressings. 3 windows, cornices on carved brackets, round-arched heads, bands at cills. 2nd floor has 2 windows with triangular and 1 with segmental pediment, segmental-headed windows with keystones. 1st floor windows similar, but with segmental pediments. Modern shop front. In similar style to No 12 (q.v.). Nos 11, 12 and 14 form a group.

The site is currently vacant but was last occupied by Calthrops Solicitors. The building is four storeys high at the front with significant two storey elements to the rear. Vehicle access is from Drapers Place to the south. It has a car park to the rear with 16 marked out parking spaces.

History

H16-1302-21. LISTED BUILDING CONSENT APPLICATION. Internal alterations and conversion from Class E to mixed use Class E/ Class C3 (12 residential units). UNDETERMINED.

Consultation Responses

SHDC Conservation Officer

No objections to this proposal on conservation grounds. The proposed layout adjustments appear to be minimal and sensible for the proposed usage. It would appear that character features are being preserved by this proposal and the proposed additional subdivisions will be constructed using fully reversible metal stud walling. Appreciation is given for the attention to detail, such as the use of secondary glazing where possible rather than replacement or double-glazed windows. Furthermore, the internal restoration of this listed building, which is in poor and declining condition is considered to be an enhancement of the historic environment. The case officer should continue to determine this application with regard paid to Policy 29 of the SELLP as well as Section 16 of the NPPF, alongside all other considerations found to be relevant.

SHDC Building Control

High level flats on original scheme would not comply with Building Regulations. This would be required.

SHDC Housing Strategy

The applicant asserts that the Vacant Building Credit (VBC) should apply and therefore as there is no extension to the existing floor space then no affordable housing contributions should be sought. I would question with the applicant how long the building has been vacant for and whether the authority is then satisfied that the VBC applies. Should VBC not apply, Strategic Housing can provide further comments on the affordable housing that would be sought.

SHDC Environmental Protection

No objection.

LCC Local Highway and Lead Local Flood Authority

The proposal is for internal alterations and conversion from class E to mixed use class E/class C (12 residential units) and it does not have an impact on the Public Highway or Surface Water Flood Risk.

The site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development will not be reliant on the private car and therefore parking is not essential for this proposal. That said, the applicant has shown that it is proposed to provide four parking spaces for the office element and one space allocated per flat with 20 cycle spaces.

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 is acceptable and accordingly, does not wish to object to this planning application.

LCC Historic Environment Officer

No archaeological input required.

LCC Education Service

No comments on this consultation in relation to education as it is not anticipated the scheme will generate any additional children.

Environment Agency

The proposed development will only meet the National Planning Policy Framework's (NPPF) requirements in relation to flood risk if a planning condition is included to ensure that the mitigation measures set out within the flood risk assessment is imposed.

Welland & Deepings IDB

No comment to make with regard to this application.

NHS

The above development is proposing 12 dwellings which, based on the average of 2.4 people per dwelling for the South Holland District Council area, would result in an increase in patient population of 29.

The development will impact Beechfield Medical Centre, Munro Medical Centre and The Spalding GP Surgery as the development is within their catchment area. These facilities are within the Lincolnshire CCG Market Deeping & Spalding PCN where the housing is being developed; there is a huge variation in the type; age and suitability of premises within the PCN of the planned development.

The contribution requested for the development of £7,920.00 (£660 x 12 dwellings.)

Please note that the expectation is that the appropriate indexation rate and any late payment penalties would also be paid on top of the value specified above.

To ensure that there is sufficient time carry out the works and allow the s106 funds to be spent in the most appropriate way, a repayment period of 10 years from receipt of the final payment transfer (for the entire development) to the relevant NHS body will be required.

Pedals

It is good to see facilities for storing bicycles included in this application.
If permission is granted please include a condition requiring the facilities for storing bicycles to be provided and available for use before the building is first occupied.

Planning Considerations

The main issues in this case are:

Principle of Development
Sustainability
Layout and Design
Refuse collection
Highway safety and parking
Impact of neighbouring Residents/land users
Flooding considerations
Foul and Surface Water Drainage
Heritage considerations
Archaeology
Developer Contributions

Principle of Development and Sustainability

The site is within the settlement boundary of Spalding, which is designated a Sub-Regional Centre. Policy 1: Spatial Strategy, sets out that "Within the settlement boundaries of Boston and Spalding (as shown on the Inset Maps) development will be permitted that supports their roles as Sub Regional Centres."

As this is the case residential development is considered to be acceptable in principle.

The retention of an element of commercial use and active frontage on the ground floor of this building would be in accordance with Policies 24, 25 and 26 of the SELLP and the intentions of the NPPF.

The proposal would result in the preservation by re-use of a redundant listed building and will create new residential units within Spalding. The proposal would have a positive impact on this part of the conservation area.

Layout and Design

The application proposes the retention of part of the ground floor as a Class E commercial unit, and the conversion of the upper floors to apartments. The internal layout is considered to be acceptable, although Building Control confirmed that the original scheme would not comply with current Building Regulations. The applicant has been made aware of this and is aware that any alteration to the layout and fabric of the building would require further formal applications. It is considered that this work would be minor in nature and it is not necessary to withhold planning or listed building consent at this time.

The flats are all considered to be of a sufficient size to provide the occupiers with adequate living space and have been 'stacked' internally to minimise the potential for noise disturbance.

Adequate provision can be made within the layout for refuse storage and collection. 20 cycle parking spaces will also be provided.

No external alterations are proposed with the exception of the removal of a timber structure to the rear. The listed building impacts are addressed in the accompanying listed building application (H16-1302-21 refers).

Refuse collection

Refuse storage to proposed to the rear of the building and a private refuse collection arrangement would be required. In order that the LPA is satisfied a condition is suggested to require the submission of the details of refuse collection.

Highway safety and parking

As set out above, the site is within the Spalding Town Centre boundary. 16 parking spaces and 20 cycle spaces are proposed. It is intended that four parking spaces would be used for the commercial element and one space allocated per flat. Cycle parking would be located in the existing building and 20 cycle parking spaces are proposed.

It is not considered that on this site strict adherence to the vehicular parking standard is required, given the town centre location and access to services and public transport options. LCC Highway Service raises no objection to this proposal.

The parking and cycle storage is shown within the application and the retention of this shall be dealt with via a condition.

Impact of neighbouring Residents/land users

This part of the town centre is characterised by a mix of retail, commercial development with some residential on upper floors. It is not considered that the use of this building for the uses within this application would have a detrimental impact upon nearby residents. The details of the conversion would required Building Control consent, that would cover matters relating to sound insulation.

Flooding considerations

The site is located within Flood Zone 3, an area with a high probability of flooding, of the Environment Agency Flood Maps for Planning, and a Flood Risk Assessment (FRA) including a Sequential and Exception Test have been submitted to support this application.

The Exception Test requires consideration of the wider sustainability benefits of a development and that the development would be safe and residual risks managed. The submission sets out that the development would contribute to housing targets within the local plan period. This is the case, but in addition the location of the building within the town centre and the provision of the majority of the residential floor space above the ground floor also gives weight to the proposal, although this is not specifically addressed by the submission.

The FRA sets out mitigation, that ground floor levels should be 0.3m above surrounding ground level however where this is not feasible the ground floor level should be a minimum of 0.15m above surrounding ground level. The occupants should sign up to received Flood Warnings. These matters can be controlled by condition.

Foul and Surface Water Drainage

Surface water and foul sewage would be disposed of as at present via the mains sewer.

Heritage considerations

The details listed building considerations are set out in the sister report H16-1302-21.

With regard to the impact on this part of the Spalding Conservation Area, it is considered that bringing this building back in to use would have a positive impact on the character and vitality of this part of the conservation area.

Archaeology

The LCC Historic Environment Officer considers that no archaeological input required.

Developer Contributions

A Viability/Vacant Building Credit Report has been submitted and is considered to be relevant in this case.

LCC Education have confirmed that no financial request is made.

The NHS requirement is to be delivered via a S106 legal agreement.

Other matters

As Market Place, Drapers Place, Francis Street and The Crescent have issues with regard to access as a result of traffic restrictions and/or the width of the roadways, it is suggested that a construction management plan is sought by condition.

Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed development would have a positive impact upon the character or appearance of the locality, would not harm the amenity of nearby residents, and would provide adequate parking and cycle storage facilities given this town centre location. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 6, 10, 11, 17, 24, 25, 26, 28, 29, 36 and Appendices 6, 8 and 9 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021.

There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

Approve, subject to acceptance of the unilateral undertaking submitted in relation to S106 to deliver the NHS requirement and a monitoring fee..

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.