DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H09-1150-20**	**Applicant:**	**Roffes Transport Ltd.**
Proposal:	Erection of pair of semi-detached houses		
Location:	Rear Of 8 High Street Holbeach Spalding		
Terminal Date:	23rd March 2021		

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
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 11, 12, 14 and 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE	0	0	0	1

BOARD				
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a pair of semi-detached two bed houses.

It should be noted that planning permission was recently granted to convert the ground floor of the associated building to the north (former bank) to retail (Class A1) fronting High Street, plus 2 flats at the rear (ref. H09-0076-19). An application was also recently granted to convert the upper floor to 3 self-contained flats (ref. H09-1151-20).

Site Description

The site is located on the eastern side of Church Walk and is currently garden area and garaging associated with retail premises and flats (formerly Barclays Bank). A car park is located to the east. Residential properties are located to the south (nos. 3 and 5 Church Walk).

The site is inside Holbeach Conservation area. All Saints' Church (grade I listed) is situated to the west on the opposite side of Church Walk.

Policies/Constraints

The site is inside Holbeach Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019. It is just outside Holbeach Town Centre and the Primary Shopping Area.

Planning History

H09-0076-19 - Full - Conversion of ground floor of former bank (A2) to A1 retail use and 2 flats (C3) - 8 High Street, Holbeach - Granted 15 March 2019.

H09-1151-20 - Full - Conversion into 3 self-contained flats - Granted 10 February 2021.

Consultation Responses

Holbeach Parish Council - This is a two part project with H09-1151-20 to convert one flat into 3 flats on the same site. I understand planning regulations do not take into account parking but this will cause significant congestion and noise pollution in a town that needs more commerce not housing. To cram these houses and flats into an already densely populated and conservation area is simply not acceptable to our parishioners.

Cllr F Biggadike - Request details for storage and collection of refuse in a sensitive area of the town.

LCC Highways - Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board - Recommend drainage strategy.

Environmental Protection - No comments or objections.

LCC Archaeology - The site is located in an area of considerable archaeological interest, directly

adjacent to the medieval parish church within the town's historic core.

Material Considerations

The main issues are:
- Principle;
- The effect of the development upon the character and appearance of Holbeach Conservation Area and the setting of All Saints' Church;
- Residential amenity;
- Parking/Highway safety;
- Other material considerations such as flood risk and drainage.

Principle

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 site is inside Holbeach Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 of the SELLP indicates that within the settlement boundaries of the Main Service Centres, including Holbeach, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. The proposal is considered to be satisfactory in this respect.

Character/Appearance/Heritage

The site is inside Holbeach Conservation Area. A number of designated heritage assets are located in the vicinity of the site, including All Saints' Church (grade I listed) to the west on the opposite side of Church Walk.

Policy 2 of the SELLP states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 stipulates that development should respect the massing of neighbouring buildings.

In accordance with the duty imposed by Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Section 66(1) of the same Act requires that special regard must be had to the desirability of preserving the setting of listed buildings. Paragraph 193 of the National Planning Policy Framework (NPPF) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Policy 3 of the SELLP stipulates that development should complement and enhance designated and non-designated heritage assets, whilst Policy 29 (The Historic Environment) indicates that proposals within or affecting the setting of a conservation area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. It also states that proposals that do not preserve or enhance the setting of a listed building should not be supported.

The above policies are consistent with advice within the National Planning Policy Framework, 2019. Paragraph 193 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. Paragraph 194 indicates that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The application is accompanied by a Heritage Impact Assessment. It indicates that "the application site is located to the east of the church and comprises an area of presently undeveloped, obsolete land; thus representing a gap site if not negative impingement upon the immediate setting of a number of heritage assets. That negative impingement is considered to accrue from the current state of the application site is reinforced by cartographic extracts which show that the site was

previously occupied by a structure which not only contributed toward the fine grain of this street and its overarching morphology, but served to define and enclose this characterful route."

It goes onto stress that "within such a context, heritage assets of relevance have been identified as the Church of All Saints (Grade I) to the west; Nos . 2, 4, 6 (Jocelyn Darlow) & 8 (Grade II) to the east; Holbeach Conservation Area; No. 3 Church Walk (locally listed); and No. 5 Church Walk (locally listed). Proposals comprise the erection of a pair of semi-detached properties to the rear of No.8 High Street, reinstating built form upon a parcel of land that - whilst developed historically - is now vacant and obsolete, and as such, represents a negative impingement upon heritage assets of relevance."

The design of the new properties reflects early 19th Century vernacular and is considered appropriate in terms of siting, scale, massing, design and architectural detailing. The existing garden wall that would be removed dates from the 1960's approximately and is not of historic merit. The HIA states that the proposal essentially re-instates the historic morphology of the locale whilst referencing and reinforcing the overarching character and appearance of the area. Impacts upon the significance of relevant heritage assets have therefore been assessed as positive.

Concluding, it is considered that the proposal would have no adverse impacts upon the character/appearance of Holbeach Conservation Area or setting of designated heritage assets, including All Saint's Church. The proposal therefore accords with the relevant sections of the Planning (Listed Buildings and Conservation Areas) Act, 1990 as well as Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 and advice within the National Planning Policy Framework, 2019.

Amenity

Residential properties are located to the south (Nos. 3 and 5 Church Walk). A car park is located to the east beyond a high wall and a pair of bungalows (nos. 10a and 10b Albert Street) to the south east adjoining the car park. No 8 High Street to the north has permission for retail premises on the ground floor, plus 5 flats.

The dwellings would have blank gable ends facing north and south and bedroom/bathroom windows at the rear. The site is in the town centre where amenity levels are generally lower and ambient noise levels are higher than average due to traffic noise and general activity. It is considered that the amenity of neighbouring occupiers would not be materially affected in terms of overlooking, lack of privacy or noise and disturbance.

Bin stores have been provided within the rear garden areas with side access.

The proposal therefore satisfactorily complies with Policies 2, 3 and 30 of the SELLP in this respect.

Parking/Highway Safety

No on-site parking facilities would be available. Consequently, the proposal is not in accordance with Policy 36 and Appendix 6 of the South East Lincolnshire Local Plan, which require two spaces per property. However, LCC Highways has indicated that 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. They go on to stress that future residents of the development will not be reliant on the private car and therefore parking is not essential for this proposal. Nevertheless, public parking facilities are available nearby if required. LCC Highways have raised no objections on highway safety grounds.

The proposal therefore satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire SELLP, plus advice within the National Planning Policy Framework. Although the proposal includes no on-site parking, as required by Policy 36 and Appendix 6 of the SELLP, this is outweighed by other factors in favour of the scheme.

Flood Risk

Flood Risk - The site is with Flood Zone 1 as defined within the Environment Agency Flood Maps and within an area of no hazard within the South East Lincolnshire Strategic Flood Risk Assessment. The proposal therefore passes the sequential test in terms of flood risk.

Drainage

Foul drainage would be disposed of to the foul water and surface water to soakaways. This arrangement is considered acceptable given the geology in this part of the district.

Archaeology

LCC Archaeology have indicated that the site is located in an area of considerable archaeological interest, directly adjacent to the medieval parish church within the town's historic core. In this location it could be anticipated that remain may survive for activity throughout the medieval period to the town's earliest Anglo-Saxon origins. The proximity to the east end of the church also means there is the possibility for human remains to be encountered here, as the graveyard may have been more extensive prior to the laying out of Church Walk during the 19th century. There is thus a high potential for archaeological remains to survive here, which may be of a high level of significance.

In light of the potential significance of archaeological remains that may be impacted by construction they have recommended that the developer be required to commission an archaeological trial trench evaluation. They have indicated that this could be undertaken post decision by means of conditions.

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 proposal would provide additional residential accommodation within the town. It would not harm the character/appearance of Holbeach Conservation Area or the setting of nearby designated heritage assets, including All Saints' Church. There are no objections on highway safety grounds or flood risk. Archaeology can be addressed by means of conditions. The proposal therefore satisfactorily complies with Policies 1, 2, 3, 4, 29 and 30 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPFF), 2019.

Although the proposal includes no on-site parking, as required by Policy 36 of the SELLP, this is outweighed by other factors in favour of the scheme

Conclusion

The planning balance lies in favour of the proposal.

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.

Recommendation

Grant permission under delegated powers.