

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0295-23 **Applicant:** Mr I Bird
Proposal: Erection of two 1.5 storey dwellings
Location: Rear Of 59 Westlode Street Spalding
Terminal Date: 26th May 2023

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
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 2021**

Sections 12 and 16 of the National Planning Policy Framework (2021)

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
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	1	0

CASE OFFICER ASSESSMENT

Proposal

This planning application is for the erection of 2 semi-detached 1.5 storey dwellings.

Site Description

The site is currently an area of ground to the rear of 59 Westlode Street. The land is clearly visible from the public realm along the prominent Conservation Area, Westlode Street, which forms one of the primary historic through routes in the Spalding town centre. Furthermore, Westlode Street also plays host to a variety of listed properties, including the adjacent 'Friends Meeting House' upon which this development would certainly bear an impact and also the nearby Nos. 64 and 65 Westlode Street. Moreover, the land backs on to the equally prominent Double Street and is within visual range of the Grade II Listed Nos. 34 and 35 Double Street.

The area can be characterised by a mix of residential, community and commercial properties. The architectural style of the area is largely late Georgian and Victorian vernacular simple residential cottage and ecumenical styles. Some modern development has been added to the area, but the overwhelming character of the area is C19th in nature.

The site, as with much of the Spalding Town Centre, is considered to be within Flood Zone 3, which is the highest danger category flood zone classification.

History

H16-0044-98

Erection of two cottages. Refused on 25/08/1998

H16-0816-17

Demolition of 59 Westlode Street and erect six flats. Approved on 04/12/2017

H16-0430-20

Re-development of site to comprise 5 flats, 2 single storey dwellings and 1 1.5 storey dwelling. Refused on 20/10/2020. Appeal dismissed on 24/03/2021.

Consultation Responses

Lincolnshire County Council Historic Environment Record

The proposed development is situated between the River Welland and the course of the ancient Westlode watercourse within the centre of historic Spalding. During the medieval period this area was formerly fenland subject to inundation by the two waterways. A number of excavations in the Westlode Street and Double Street area have uncovered surviving flood and levelling deposits as well as some buried medieval features.

The site of the proposed development has itself been subject to an archaeological evaluation, carried out in 1996 in association with previous development proposals for the site. This revealed evidence for a number of refuse pits and remains of buildings within the former yard of the Angel Inn that fronted Double Street. These contained medieval and post medieval pottery, bottles and window glass, and may represent material associated with the occupation and use of the inn. The proposed development would likely have an impact on these buried remains through the digging of foundations and any trenches for new services.

Therefore it is recommended that the developer should be required to commission a Scheme of

Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook). This should be secured by South Holland District Council's standard conditions AR01, 02 and 03.

"They should.... require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part), in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible" National Planning Policy Framework, section 16, paragraph 205.

Initially I envisage that this would involve monitoring of all groundwork's, with the ability to stop and fully record archaeological features

Lincolnshire County Council Highway and Lead Local Flood Authority

No objections subject to the imposition of Highways Condition 00 (construction management plan) and Highways Informative 08.

Welland and Deepings Internal Drainage Board

No comments.

SHDC Environmental Protection

No objections

Planning Considerations

Principle of development

The proposal site sits well within the defined settlement boundary for Spalding. In addition, whilst the proposal includes no dedicated parking, this is a town centre location, within easy reach of services and public transport. The County Council highways department have been consulted and raise no concerns over a car-less development. Furthermore a flood risk assessment has been submitted alongside this application which confirms that whilst the site is within flood zone 3 (along with much of Spalding town centre), the actual risk of flooding remains 'extremely low' and that in this instance, whilst above ground floor bedrooms are preferable, due to the low risk of flood in this area ground floor accommodation is also acceptable. For the reasons listed above, the principle of development within this part of Spalding is deemed to be acceptable, if other policies and matters are taken in to account.

Design and Heritage Impact

The Local Planning Authority does not consider there to be any risk to any heritage asset proposed by this application. When compared to the scheme which was presented under application H16-0430-20, this scheme is much improved in both it's design and its impact upon the historic setting. The proposal does, to an extent, separate the proposed built form from the adjacent listed Quaker Meeting House in terms of creating a much greater degree of visual separation from the boundary between the plot and that listed building. Furthermore, whilst the number of separate units remains the same, by proposing 1.5 storey dwellings with a smaller ground footprint, the proposed structure would take up a smaller portion of the overall floor area of the wider plot. This, combined with the shifting of the built form to the western side of the plot should assist in shielding the development behind the proposed properties (and existing buildings) facing Westlode Street, therefore reducing the impact of the proposal upon public appreciation of views within the Spalding Conservation Area, particularly in the context of the adjacent listed building.

Policy 29, Section A, Subsection 3 of the South East Lincolnshire Local Plan (2019) regarding development relating to development in the setting of Listed Buildings states the following:

"Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building.."

As mentioned above, comparing the proposed development to this subsection shows that this proposal in the setting of a listed building fully preserves the significance of the nearby heritage asset, by virtue of being visually seperated by a substantial portion of open ground, and also partially hidden from public views including the Quaker Meeting House by virtue of being located

behind both existing and proposed development.

Policy 29, Section B of the South East Lincolnshire Local Plan (2019) regarding development within conservation areas states the following:

"Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should:

- 1. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;*
- 2. Retain architectural details that contribute to the character and appearance of the area;*
- 3. Where relevant and practical, remove features which are incompatible with the Conservation Area;*
- 4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;*
- 5. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape; (...)"*

The proposal is not out of keeping with the broader setting in terms of its effect on street patterns or building lines. The proposal is a back land development and as such would not interrupt any historic street patterns. Furthermore, the proposal is shielded from public views by existing development and therefore does not alter the appreciable pattern of development from public settings.

The proposal does not seek to remove any features from the conservation area which are considered to be important to its character and/or setting. Furthermore, given the open-ground nature of the site, there are limited opportunities to remove features considered to be inappropriate - however, by tidying up this portion of rough land in the centre of the conservation area, it could be argued that this represents a minor improvement to the general condition of the wider setting.

In terms of the character of the proposed properties relating to height, massing, scale, form, materials and plot widths, it can be said that the proposal is in full accordance with the general area characteristics. Both properties are not overly large or small in comparison to nearby development, the 1.5 storey nature of the proposals result in properties which are not overbearing in height or mass, and the semi-detached backland scale of the plots is standard, if not perhaps a little larger than the standard for the area, meaning that the proposals would not appear uncharacteristically cramped.

Relating to the form or design of the development, the proposal makes use of a number of pleasing traditional design touches which assist in ensuring the the design does not appear too contemporary or simple for the setting. Features such as the dentil courses, stone window arches and high pitch bargeboard dormer windows are all characteristic of some of the more appealing properties in the locale, particularly along Double Street.

The details of the materials to be used on site are not finalised in this application's details. The nature of the materials will be confirmed via pre-commencement conditions which will ensure that the proposed development uses only materials which are appropriate to the Conservation Area setting.

For the above reasons the Local Planning Authority considers this proposal to be acceptable under Policies 2, 3 and 29 and that it assists in conserving the historic environment due to its lack of an impact upon the neighbouring listed building and general design touches which ingratiate the proposal well with its setting.

Residential Amenity

The Local Planning Authority does not consider there to be any detrimental impact upon residential amenity risked by this application. The proposed properties are 1.5 storey in nature and distanced substantially in every direction from any neighbouring domestic property elevations, meaning that there is no reasonable risk of overshadowing.

Above ground floor windows are facing only east and west. To the east of the site is an area of shared parking for Cley Court on Double Street, where there would not be any expectation of privacy in this dense urban setting. Furthermore, windows to the west take the form of only a single roof light on each property, the views from which would be substantially interrupted by the existing garage block to Cley Court. In an easterly direction, the proposed properties are distanced substantially from the nearest neighbouring private curtilage, and therefore, it cannot reasonably be said that the east facing windows represent any risk of material or unreasonable overlooking.

In terms of noise generation, a certain degree should be considered to be a normal part of life in urban settings. The proposed properties are only 2 bedrooms each and are situated well away from private curtilages. The average comings and goings associated with such a development should, therefore, not represent an undue risk of noise disturbance in this setting.

Finally, the proposed properties themselves are afforded a relatively large degree of amenity space, with good-sized gardens each, containing plenty of space for private enjoyment and outdoor domestic utilities.

Parking Provision

These proposals are presented as a car-less development. The site is in an urban setting with ease of access to various shopping, entertainment, transport and employment sources by foot or cycle. The Lincolnshire County Council Highways Authority has been consulted and does not raise an objection with such a proposal. In these circumstances, it is possible to waive the need for parking provision provided that access to cycle parking is included on site. In this instance, the applicant proposes an 8-bay cycle storage unit on site. This is deemed acceptable.

Refuse

The applicant proposes the use of a refuse storage point to the south of the plot, to be shared between both proposed properties. This site is some ~23m from the highway where collections would take place, meaning that this proposal falls within the council's guidance on the collection of waste from private drives/accesses.

Conclusion

For the reasons listed above, this application is deemed to be in accordance with Policies 1, 2, 3, 4, 11, 17, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 16 of the National Planning Policy Framework (2021). 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.