

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H16-0430-20 **Applicant:** Mr I Bird

Proposal: Re-development of site to comprise 5 flats, 2 single storey dwellings and 1 1.5 storey dwelling.

Location: 59 Westlode Street Spalding

Terminal Date: 29th August 2020

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 2019

Sections 12 and 16 of the National Planning Policy Framework (2019)

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	1
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	4	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This full planning application is for the redevelopment of the land behind and to the side of 59 Westlode Street, Spalding. This proposal would be for 5 flats, 2 single storey dwellings and a 1.5 storey independent dwelling.

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.

RELEVANT PLANNING 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

REPRESENTATIONS

South Holland District Council Environmental Protection

No objections, but would like to see a construction management plan.

Lincolnshire County Council as lead local highways and flood authority

No objections.

Lincolnshire County Council Historic Environment Officer

The submitted Heritage Impact Assessment is insufficient in detail and has not identified any of the historic designated and non-designated assets which this development would impact upon. A new, more detailed HIA should be obtained prior to any approval of this application.

South Holland Internal Drainage Board

The SHIDB has no drains in this area, however, Anglian Water may do. This should be confirmed.

Public

Several residents have submitted comments relating to this application, all of which have been objections. Overall, 4 Letters of objection were received from 3 local residents. The objections of the residents are summarised as follows:

- Risk of overshadowing to extant homes.
- Development is an overdevelopment of the plot and creation of an overly high density of population.
- Unacceptable proximity to neighbouring properties.
- Influx of residents will cause a strain on the nearby roads and parking provision.
- Generation of noise would have a negative effect on the private enjoyment of nearby homes and create a nuisance.

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.

Heritage Impact/ Impact on Locale

The Local Planning Authority deems the proposal to present too great a risk to the value and significance of the adjacent 'Friend's Meeting House' to be an acceptable proposal on the grounds of Policy 29 of the South East Lincolnshire Local Plan (2019). Whilst the mock-Victorian architectural design influence on show in elements such as the timber sliding sash windows with horns or the stone lintels and sills are appreciated, the scale and massing as well as positioning within the site make this proposal an over-development of the land which would be, in the opinion of the Local Planning Authority, damaging to the setting of the Adjacent Listed Structure. Policy 29, Section A, Paragraph 3 of the South East Lincolnshire Local Plan (2019) 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."

This proposal does nothing to preserve or enhance the significance of the listed structure. In fact, the creation of a sizeable development directly adjacent to the structure should be considered to be an encroachment upon the setting of the listed property hemming it in with modern development. Of particular concern is the single storey block to the south of the site, which, although single storey, is a large proposal in terms of scale and massing and would be directly visible from the residential portions of the listed property.

It is considered that the scheme would fail to preserve or enhance the character and setting of the Conservation Area. Furthermore, the proposal would impact negatively on the setting of the Listed Building, as set out above.

In addition, the Historic Environment Record at Lincolnshire County Council has been consulted and

suggests that the Heritage Impact Assessment submitted is not appropriately detailed. As the Local Planning Authority intends to refuse this application on principle, it has not been considered necessary to incur the applicant the additional cost of formulating a professionally written HIA.

Residential Amenity

The land is surrounded by residential properties which are all 2 storey in nature and largely front the plot with their rear gardens. This development proposes to erect residential properties within very close proximity to the boundary of the application site. Whilst the bulk of this development is single storey in nature, given the proximity of the proposals to neighbouring curtilages, a risk is undoubtedly created to the residential amenity and private enjoyment of the existing properties.

Furthermore, as the surrounding properties are 2 storey in scale and encroach upon the land significantly, it is suggested that the proposal would play host to a number of residential properties which are themselves overlooked to an unacceptable degree by the existing neighbouring residences, particular concern is raised over the proposed unit 8, for which the amenity space would be directly overlooked by the rear of 33 Double Street.

Furthermore, as a development which proposes 8 new independent residential units, spread across multiple structures on a confined area of land, this application should be considered to be significant over- development of the application site which does not take into consideration its relation to its surroundings in line with Policy 3 of the South East Lincolnshire Local Plan (2019). It is accepted that creation of such a large number of residential plots, will lead to the day-to-day comings and goings of the site's residents creating an impact upon the residential amenity of the neighbouring properties.

Flooding

A Flood Risk Assessment has been submitted alongside this application and has found that whilst the proposal site is in Flood Zone 3, it is not on a flood plain and that the actual risk of flooding from any Environment Agency waterway or any other source is 'extremely low'. Therefore, the recommendation of this report was above ground floor residential space should be preferred, but that ground floor accommodation was, in this instance acceptable.

Furthermore, it is recommended that the ground floor level of the proposed new buildings should be no lower than 5.25m OD, that the owner of the site should advise all tenants that they should register with the Environment Agency's Floodline Warnings Direct Service and, lastly that all on site surface water drainage should be discharged either into the existing surface water connections or into soakaways and these should be designed to BRE Digest 365 and approved under Building regulations. Based upon the findings of the Flood Risk Assessment it is considered that this application does not breach the requirements of Policy 4 of the South East Lincolnshire Local Plan (2019).

Parking Provision

This application is for a proposed car-less development, meaning that there will be no dedicated car parking spaces. However, this proposal is brought forward as car-less because of its town centre location, with shops, services and access to public transport all within easy walking or cycling distance. Spalding town centre also features significant amounts of both free and paid parking. Lincolnshire County Council has been consulted and raised no concerns over the principle of a car-less development on this site. Paragraph 106 of the National Planning Policy Framework (2019) does state that Local Planning Authorities should seek to improve the quality of Town Centre parking where possible, but as this application has no bearing or influence over any public parking zones, it has not been possible in this instance. Furthermore, the plans include provision of secure cycle storage.

Pre-Application Advice

It is noted that the applicant had previously submitted a pre-application enquiry under case number PE-00510-19 and that the advice given at the time was generally positive. However, in the advice given, it was made clear that consideration would have to be given to the setting of the listed building and also that the residential amenity of both residents of existing properties and also that of any future residents of the proposal would have to be taken into account and would be a

consideration during the course of any planning application. Furthermore, this pre-application advice was given without prejudice and based upon a desk top assessment. Subsequently upon visiting the site for the purposes of this application, it is clear that the site is unsuitable for such a proposal.

Conclusion

For the reasons listed above, it is determined that this application is not in accordance with Policies 2, 3 or 29 of the South East Lincolnshire Local Plan (2019) or Sections 12 and 16 of the National Planning Policy Framework (2019). It is therefore recommended that this application be refused.

Note: This application was referred to Chairman's Panel on 14 August 2020, where it was agreed the decision could be delegated to officers.

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.