

DECISION DELEGATED TO DEVELOPMENT MANAGER
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Application No: H16-0651-19 **Applicant:** Mr S Kandola
Proposal: Erection of 6 flats - 4 two-bed flats and 2 one-bed studios
Location: Land Adjacent: 6 Abbey Path Spalding
Terminal Date: 9th October 2019

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
10	Meeting Assessed Housing Requirements
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 14 - Meeting the challenge of climate change, flooding and coastal change
 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
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1

WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The application is for the erection of a 3 storey building for the provision of 4 two-bed flats and 2 one-bed studios at the land adjacent 6 Abbey Path, Spalding.

The proposed building would have a footprint of roughly 11.015m wide x 14.615m depth when viewed from Abbey Path. The proposals feature a small amount of amenity space to the front, rear and east of the building.

The proposed exterior design would be appropriate to its surroundings, featuring the use of pitched roof elements, sash-style Georgian effect windows with stone cills throughout and stone lintels on the front elevation. The proposal includes dormer windows in the roof space at the front with two roof windows in the pitch of the roof to the rear elevation.

Site Description

The site is currently unoccupied by any structure of any sort. The land upon which the proposals are made is simply a patch of paved land used as an element of the private car park (owned by the applicant) accessed via Gore Lane.

The area is characterised by commercial and residential properties interspersed amongst one another. Development in the area is highly dense and tightly-packed, featuring a number of similar back land developments. Immediately to the North West of the site is the 5b/5c Sheep Market building (currently primarily occupied by Ladbroke's and Spalding Furniture) which fronts out onto the Sheep Market and is very similar in height to the proposals.

The site sits in a highly central area of the Spalding Conservation Area, being just off of the historic Sheep Market area of the town. However, the proposals would not be visible from any street-scene location that is of primary importance to the Conservation Area. If permitted, the proposals would only be visible from Gore Lane and Abbey Path and partially from the east from the Drapers Place Car Park. This means, as stated, the proposals would not infringe upon any views from or of locations which are primary to the SCA. Rather crucially, views of or from the nearby Sheep Market and Sessions House would not be impacted in any significant ways.

History

H16-0150-16

Conversion of existing first floor into 5 no. self-contained residential flats at 5b & 5c Sheep Market, Spalding. APPROVED on 04/04/16

H16-0676-18

Conversion of existing second floor into 6 self contained residential flats at 5C Sheep Market, Spalding. APPROVED on 22/08/18

Consultation Responses

SHDC Environmental Protection Officer

No objection.

LCC Highways/SUDS

Does not wish to restrict the granting of permission.

LCC Historic Environment Officer

It is recognised that the site is very close to several designated and non-designated heritage assets. As such, the initially submitted Heritage Impact Assessment (HIA) was unsuitable and lacking in detail. It is recommended that the applicant formulate a new HIA before the officer can make an informed determination.

After the submission of an updated HIA, the Historic Environment Officer had the following additional comments;

The updated HIA is not wholly suitable, however, it does provide enough basic information for the officer to make a determination and it is a marked improvement over the original document. This, coupled with the fact that due to archaeological information being available for an adjacent site, a new HIA is not required as it would likely not provide any information which is not already available.

However, it is requested that the developer should be required to commission a scheme of Archaeological works. This should be secured by South Holland District Council's standard Conditions AR01, 02 and 03.

Welland and Deepings IDB

No objection. They hold no drains in the location. Suggests that Anglian Water may do.

Planning Considerations

Principle of Development

The site is currently used as a car park, and so this application represents a de-facto change of use from Car Park (Sui Generis) to Flats (C3 - Dwellinghouses). This change is not considered to be harmful or in contravention with any Policy of the South East Lincolnshire Local Plan (2019) (SELLP).

The site is within the settlement boundary and the Local Planning Authority encourages residential development within said boundary.

For the reasons listed above, the principal of development for these proposals is considered to be acceptable.

Design and layout

Following the amendment of the plans for this proposal, the Local Planning Authority seeks no further amendment to the design or layout of the proposals. The scale and layout of the proposed property is appropriate for its proposed use as flats, and does not present a risk of over-proliferation of development on the plot, being of comparable size and design to several nearby properties.

The character of the design of the proposals is appropriate to the area, incorporating a number of period-style design features and should be considered to be an uplifting factor to both the site itself and the wider Abbey Path area. Additionally, because the site is in an obscured location, it does not impose at all on views from the high street, and as such, the building will only be barely visible from anywhere other than Abbey Path or Gore Lane

Heritage Impact

It is not felt that the proposals suggest any works which would be at all unsympathetic to the Spalding Conservation Area or any nearby designated or non-designated Heritage Assets.

Whilst the proposals are located in a very central location within the Spalding Conservation Area, and just off the highly characterful Sheep Market locality, because of the proposals' alleyway/backland setting, its presence would not impact upon any street-side views of the Conservation area or any local heritage assets.

With regards to its design, the proposals are considered to be sympathetic with the immediate area. The proposals make effective use of design details such as stone cills and lintels as well as Georgian, sliding-sash style windows, coupled with appropriate use of roof pitches to create a design which creates a design that is in keeping with the immediate Georgian/Early Victorian nature of many of the nearby buildings.

In addition, it must be argued that to bring into use a patch of land which has hitherto simply been used as a wing of a private car park will be of benefit to the character of the area, as a development of this design is considered to be far more aesthetically pleasing and sympathetic to the nature of the area. Moreover, development on this site will work to block views of the car park from Abbey Path, which should provide an uplift to the immediate area.

For the reasons listed above, it is considered that the proposals enhance and preserve the character of its immediate area, and therefore the SCA at large.

Residential Amenity

It is deemed that this application does not make any significant negative impact to the residential amenity of any neighbouring residential properties, and no complaints have been raised by any local residents. Whilst the property is technically 3 storey in height, due to the fact that the 3rd storey is a roof space floor, the building's height is only slightly increased over its neighbouring 2 storey properties. In addition to this, because of the proposal's location in relation to nearby residential properties, it is not thought that it will impact significantly upon the access to sunlight enjoyed by local residents, especially given the immediate area's alleyway location, which is conducive to tightly packed, taller development.

With regards to the risks of overlooking. Again, it is not considered that the proposals will create any significant risk of overlooking. The proposals are set back from the side of Abbey Path by between 2.872m and 3.259m. This, combined with the width of Abbey Path, creates a suitable barrier of open space between the opposing properties and the proposed building. There are no proposed windows to either side elevations of the proposals.

Flood Risk

A site-specific flood risk assessment has been undertaken and submitted alongside the application. The assessment has found that the proposals are satisfactory. The proposal site does sit within a 'High Possibility' flood risk area, however, as the proposals are more than a single storey and the proposed ground floor level will be above the 1 in 1000 year predicted flood level, it must be considered that the proposals do not present any abnormal risk in regards to flooding. Additionally, as nearly the entirety of the Spalding town centre sits within the same 'high possibility' flood risk zone, it is not felt that it would have been possible to find an alternative, lesser risk site.

Parking Provision

The application provides no designated parking spaces. However, the property is in an incredibly central part of the town, in very close proximity to a number of parking facilities, including parking space in the rearward car park which is owned by the applicant. However, this is undesignated and would be shared with the current tenants of 5C Sheep Market, and the applicant has an obligation to provide parking for their commercial tenants of 5C. Additionally, the Gore Lane car park sits a short distance to the East of the Site. However, cycle storage is also provided for tenants under the cycle storage unit proposed in the rearwards car park under application H16-0676-18.

Refuse Storage

Having contacted the agent for the applicant, it becomes clear that the applicant will have a designated refuse storage location for tenants at the existing refuse point at the car park to the rear

of the property. This car park is owned by the applicant as is the refuse storage point. This refuse collection point was given permission under application H16-0676-18.

Conclusion

For the reasons listed above, it is considered that the proposals are in keeping with Sections 12, 14 and 16 of the National Planning Policy Framework (2019) as well as Policies 1, 2, 3, 4, 10, 11, 17, 29, 36 and Appendix 6 of the South East Lincolnshire Local Plan (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.