DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H16-0666-21**	**Applicant:**	**Activ Property Management Ltd.**
Proposal:	Demolition of existing class B1 commercial building and construction of 26 new dwellings and associated external works including landscaping - approved under H16-0210-18. Modification of Conditions 2 (Determined Plans), 3 (Archaeological Scheme), 6 (Construction Process Management Plan), 7 (Re-Development Contract), 8 (Contaminated Land Scheme), 9(Details of Refuse Storage) & 12 (Foul water strategy).		
Location:	Broad Street Business Centre 10 Broad Street Spalding		
Terminal Date:	17th September 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
05	Meeting Physical Infrastructure and Service Needs
06	Developer Contributions
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
18	Affordable Housing
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
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

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
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	3	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Demolition of existing class B1 commercial building and construction of 26 new dwellings and associated external works including landscaping - approved under H16-0210-18. Modification of Conditions 2 (Determined Plans), 3 (Archaeological Scheme), 6 (Construction Process Management Plan), 7 (Re-Development Contract), 8 (Contaminated Land Scheme), 9(Details of Refuse Storage) & 12 (Foul water strategy).

Specifically, this application seeks to enable a small amount of demolition in advance of the further submission of required conditional details, to keep the host permission alive.

Site Description

The site is located within the Spalding conservation area and within the settlement boundary of Spalding. Currently in use as leased office space, demand has waned in recent years due to the poor quality of accommodation.

The site measures approximately 0.115 hectares (1146sqm) in area and faces onto Broad Street. No vehicular access currently exists and pedestrian access is off Broad Street or the private access off Westlode Street leading to the rear of the site. On street parking is currently provided on Broad Street.

Adjoining the site are predominantly two story terraced properties which are constructed of brick under slate roofs. The commercial building within the site is of portal frame construction with composite cladding to walls and roof, with a brick facade to the Broad Street elevation. The immediately adjacent neighbouring buildings along Broad Street are all listed and this has been taken into consideration, during the design of the proposal to ensure that the development is respectful of the character of the area.

The Museum of Spalding's Gentlemen's Society to the north of the site is grade II listed: dated 1910, the Neo-Tudor style red brick building has ashlar dressings and a hipped Welsh slate roof; a moulded string course is located between storeys; Windows include rectangular drip moulds; and

carved spandrels sit over the stone doorway.

To the south of the site lies the grade II* listed Constitutional Club, a fine mid-18th century manor house later converted to civic use. This building is constructed in local brick with a double Welsh slate roof and moulded cornice and pediment. Painted bands between stories, a stone capping to the parapet and stonework to the doors add modest decoration to the facade.

On the opposite side of Broad Street is located the grade II listed Broad Street Methodist Church and Sunday School constructed of red brick with ashlar dressings and a Welsh slate roof with decorative ridge tiles.

The ownership extent of the site includes 77 Westlode Street, however the proposals will only minimally affect this building which will continue in its present use.

History

H16-0210-18. FULL. Demolition of existing class B1 commercial building and construction of 26 new dwellings and associated external works including landscaping. APPROVED 30-07-18.

H16-0959-17: Demolition of existing class B1 commercial building and construction of 26 new dwellings and associated external works including landscaping. Refused 8th Jan 2018.

Consultation Responses

SHDC Environmental Protection

No objection.

LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

LCC Historic Environment Officer

No objection.

Historic England

No observations.

Third Parties

Four objections, raising the following matters:

Impact of noisy long term development starting on the overall operation of an adjacent yoga studio/business, a second business and the Gentlemen's Club and to the enjoyment and use of these businesses and facilities
Future noise and environmental issues will be untenable for the yoga business and students
This development would lead to the closure of the yoga facility
Whether this development is compatible with Heritage England's restrictions on the adjacent listed building
Overlooking of the adjacent Gentlemen's Club
No waste/rubbish to end up on Gentlemen's Club property
Gentlemen's Club hold outside music events; this development should not impact that
Adjoining business has access and a fire escape via this site as well as a heater and storage area would be impacted
The roof of the area to be demolished adjoins the Spalding Gentlemen's Society (SGS) Museum. That roof is attached to a joint wall between the properties, there has been no party wall discussion or correspondence regarding this demolition or any other aspect of the planned development.
The Museum room with the joint wall and the joint wall of the demolition area are already showing considerable damp and deterioration, therefore any demolition of that area leaving it exposed to the elements without suitable means of drainage can only add to the problem
Any vibration from building works will require areas of the Museum that could be affected by vibration to have the collection removed by heritage removal professionals for secure storage prior

to commencement of demolition
We would welcome the input of the Conservation Officer to ensure that our property (Grade II listed building within a conservation area) receives the protection to which it is entitled
Area is to be retained by Fitzgerald's Bed Centre and is contained in terms of lease
Removes the use of fire escape which was enforced by the fire dept at the start of the lease
This will also cause a heating problem to the shop, as the heater we use is in the proposed planned area
This will also remove our storage area which will cause problems to the day to day running of the business
Disruption, noise and dust this will create during the building work.

Planning Considerations

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The key material issues for considerations in this application are:

Policy and Principle of Development
The impact of development upon neighbouring amenity and on local businesses and facilities
Impact on the Conservation Area

Policy and Principle of Development

The principle of the development of this site is set by the approval of H16-0210-18, which looked at the planning policies relevant to that time. It is considered that the development as previously approved addresses the SELLP policies set out above, and the intentions of the NPPF 2021.

The principle of residential development in policy terms is acceptable. The number of new dwellings proposed is not considered to be excessive or of a nature that would cause significant detrimental harm to the amenity of the area. However, the remainder of this section of the report considers the other material considerations to be taken into account in determining whether any adverse impacts would result in a refusal of permission.

The impact of development upon neighbouring amenity and on local businesses and facilities

The impact of the development has been considered, and the development has no greater impacts when looking at the policies of the SELLP and the NPPF 2021, than when the development was considered under the South Holland District Local Plan, and the NPPF of 2012.

It is noted that there are existing adjacent interests and businesses and a new business has been formed within adjacent premises that would potentially be impacted during construction. By their nature works during site preparation and construction are temporary, and can be mitigated against to a degree by conditions requiring a construction management plan to be in place before further works are undertaken.

Any rights of access over certain parts of the site are a civil matter, and are not be be given weight at this planning stage.

The proposed development has a smaller footprint than that of the existing. The massing has increased slightly and this reflects the scale of the neighbouring buildings, and the Constitutional Club in particular. Buildings towards the rear of the site have been limited to two storeys to minimise overshadowing of gardens and properties to the north. The proposed height of buildings towards the rear of the site is therefore reflective of the existing building. A three story block sits within the middle of the site where the building has been pulled away from the north boundary to reduce its impact on neighbouring properties. At the front of the site the road facing residential block reflects the scale of neighbouring buildings. The three storey construction with the second floor set back behind a parapet wall is a contemporary interpretation of the dormer roof design of the adjacent Constitutional Club. The level of detrimental harm is not considered to be significant as a result of this development.

Impact on the Conservation Area

The impact of the development was considered in detail during the design of the scheme and the consideration of the host consent. The impact of the development has been considered, and the development has no greater impacts when looking at the policies of the SELLP and the NPPF 2021, than when the development was considered under the South Holland District Local Plan, and the NPPF of 2012.

It is to be noted that Historic England make no observations, following the consultation sent to them regarding this S73 proposal.

The areas of demolition enabled by the S73 application do not have an impact upon the wider character of this part of the conservation area, and are part and parcel of the development proposals already approved by the host consent.

Conclusion

With regard to the considerations required by S38, and the development has no greater impacts when looking at the policies of the SELLP and the NPPF 2021, than when the development was considered under the South Holland District Local Plan, and the NPPF of 2012.

It is therefore recommended that the Modification of Conditions 2 (Determined Plans), 3 (Archaeological Scheme), 6 (Construction Process Management Plan), 7 (Re-Development Contract), 8 (Contaminated Land Scheme), 9 (Details of Refuse Storage) & 12 (Foul water strategy) is approved.

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.