

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-0707-22 **Applicant:** Cley Developments Ltd.

Proposal: Demolition of existing air raid shelter and construction of terrace of 3 two bed dwellings

Location: Land Adj. 19 Station Street Spalding

Terminal Date: 7th September 2022

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
24	The Retail Hierarchy
25	Supporting the Vitality and Viability of Boston and Spalding Town Centres
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC	0	0	0	1

ENVIRONMENT OFFICER				
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	2

CASE OFFICER ASSESSMENT

Proposal

FULL. Demolition of existing air raid shelter and construction of terrace of 3 two bed dwellings.

Specifically, The properties have been designed to emulate the Victorian period in appearance; a short terrace of two storey dwellings, with a shared area of open space to the rear, is proposed, to be constructed in red brick Garden Wall bond, with eaves details, imitation slate roof covering with timber double glazed timber sash windows and timber doors.

Site Description

The site is located within the defined settlement limits of Spalding and within the Spalding Conservation Area and has a number of Listed Buildings to the east and south.

There is a mixed townscape of historical buildings and more modern buildings particularly on the edges of the Conservation Area.

The site is a triangular piece of vacant land that has been unused for a number of years.

There is an air raid shelter on the site, to which access cannot be achieved as the door is bricked closed, that is proposed to be demolished.

The site is located between two and three storey retail/restaurant units, some of which has residential accommodation on the upper floors.

History

H16-0576-19. Permanent siting of catering trailer. REFUSAL 30-07-19.

H16-0738-18. Erection of 12 apartments (use class C3) and a flexible commercial use at ground floor (use classes A1, A2, A3 or D1). REFUSAL 19-11-18. APPEAL DISMISSED 24-09-19.

H16-0694-11 Proposed unit for A1, A2 and A3 use with 6 two bed flats over - Approved 4/9/11.

H16-0846-11 Conservation Area Consent for demolition of air raid shelter - Approved 4/9/11.

H16-0805-03 New A1, A2 and A3 retail space with 6 two bed flats over - Approved 26/11/03.

H16-0806-03 Demolition of existing single storey building - Approved 25/9/03.

Consultation Responses

SHDC Conservation Officer

Raise no objections to the proposal from a conservation perspective. The design is traditional and attractive in nature and note that the proposal makes good use of conservation-appropriate

materials throughout. This proposal should assist in enhancing the immediate setting by occupying a piece of waste land on the corner of the otherwise characterful sheep market. The officer should, therefore, continue to consider the application in accordance with Policy 29 of the SELLP and S16 of the NPPF as well as all other relevant policy and guidance considerations.

SHDC Environmental Protection

No comments or objections with respect to land contamination.

No objection regarding noise etc. Due to location, request a construction management plan.

LCC Highways & SUDS Support

The Application Site is in the centre of the town and is within easy walking distance of a wide range of shops, services, employment opportunities and public transport options. The proposed three dwellings would therefore be suitable for occupation by those who do not have the use of a motor vehicle and so it is not considered essential that off-street car parking be provided as part of the development.

The site is however small and very constrained and requests that any permission given by the Local Planning Authority shall include the conditions relating to the submission of a Construction Management Plan and Method Statement.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that subject to compliance with the Condition and advice above, the proposed development would not be expected to have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application.

LCC Historic Environment Officer

This office has commented on a number of previous proposals for this site. As raised on previous occasions we would like to recommend that the Second World War air raid shelter on the site is subject to historic building recording prior to demolition. Such shelters are rare survivals and are important reminders of this recent period in the community's history and it is therefore of benefit to ensure a record is made of their fabric prior to demolition.

The site is also located in an area of archaeological interest within the centre of the medieval settlement of Spalding and on the boundary of the town's priory. A previous archaeological evaluation took place on this site in 2003 and found medieval pottery and traces of an almost completely dismantled medieval wall, which could have been the outer wall of the precincts of Spalding Priory. However the evaluation trench covered almost the entire plot, which had been heavily disturbed, so it is not felt likely that further archaeological monitoring would contribute meaningful additional information.

Given this, 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 Councils Standard Conditions AR01, 02 and 03. Initially, it is envisaged that this would involve full historic building recording of the air raid shelter.

"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.

Spalding & District Civic Society

No response received.

Welland and Deepings Internal Drainage Board

The method of surface water disposal is yet to be determined and should be confirmed to the Board once known.

If soakaways become the chosen disposal method at any point then the suitability of installing and discharging surface water to them would need to be proved to the satisfaction of your Building Control department.

Planning Considerations

The main issues in this case are:

Principle of Development and Sustainability
Layout and Design
Refuse collection
Highway safety and parking
Impact of neighbouring Residents/land users
Flooding considerations
Foul and Surface Water Drainage
Contaminated Land
Heritage considerations
Archaeology

Principle of Development and Sustainability

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 within the settlement boundary of Spalding, which is designated a Sub-Regional Centre. Policy 1: Spatial Strategy, sets out that "Within the settlement boundaries of Boston and Spalding (as shown on the Inset Maps) development will be permitted that supports their roles as Sub Regional Centres."

The site is considered to be acceptable for development in principle, and has previously been considered for residential purposes.

The application site is located within the conservation area and the implications of this are discussed below.

Layout and Design

The application proposes three modest detached two-bedroom dwellings, that are detailed to accord with the prevailing character and appearance of the conservation area.

The detailing proposed is considered to be appropriate to this part of the conservation area. This is a prominent corner within the conservation area and the Garden Wall bond of brick form will be an important aspect of appearance.

Given the limited size of amenity space provided, it is recommended that permitted development rights are curtailed, in order that sufficient amenity can be retained for the dwellings.

Refuse collection

Refuse collection is to be from front of house, as is standard for single family dwellings of this type. Refuse bin storage would be in the rear garden/yard areas.

Highway safety and parking

No car parking is shown. Given the size of the site and the location within the town centre, it is not considered that on this site strict adherence to the vehicular parking standard is required.

Cycle storage storage can be provided however this is to be controlled by condition.

Impact of neighbouring Residents/land users

This infill development would not have such an overbearing effect, or loss of privacy, daylight or sunlight that consent could be withheld. It is considered that the development accords with Policies

2 and 3 of the SELLP in this regard.

Flooding considerations

The Flood Risk Assessment submitted to support this application, and recommends that the ground floor level of the proposed dwellings should be raised 300mm above the existing ground level on the site to a level of 5.10m OD. This can be delivered via condition.

Foul and Surface Water Drainage

Foul sewage would be dealt with by a connection to the existing network.

Surface water drainage is not addressed within the application and a condition is recommended.

Contaminated Land

As can be seen above, the SHDC Environmental Protection Service has no comments or objections with respect to land contamination.

Heritage considerations

The site is located on a prominent corner within this part of the Spalding Conservation Area. The design is traditional and attractive in nature and the proposal would make good use of conservation-appropriate materials throughout. This proposal should assist in enhancing the immediate setting by occupying a piece of waste land on the corner of the otherwise characterful Sheep Market. The application proposal is in accordance with Policy 29 of the SELLP and S16 of the NPPF as well as all other relevant policy and guidance considerations.

Archaeology

The response of the LCC Historic Environment Officer is set out above. and as raised on previous occasions he recommends that the Second World War air raid shelter on the site is subject to historic building recording prior to demolition. To this end conditions are recommended.

The site is located in an area of archaeological interest within the centre of the medieval settlement of Spalding and on the boundary of the town's priory. A previous archaeological evaluation took place on this site in 2003 and found medieval pottery and traces of an almost completely dismantled medieval wall, which could have been the outer wall of the precincts of Spalding Priory. However the evaluation trench covered almost the entire plot, which had been heavily disturbed, so it is not felt likely that further archaeological monitoring would contribute meaningful additional information.

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 proposed development would enhance the character and appearance of this part of the Spalding Conservation Area and the town centre. The development would not detrimentally impact the amenity of nearby residents, and given the town centre location it is appropriate that no vehicular parking is provided. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 10, 11, 17, 24, 25, 28, 29 and 30 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021, and can be considered to be an appropriate exception to Policy 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2021.

There are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

Approve.

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.