

Neil Dowlman Architecture Ltd
14 Main Ridge West
Boston
Lincs
PE21 6QQ

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990 FULL

Reference: H16-0959-17 **Date of Decision:** 8th January 2018
Applicant: Activ Property Management Ltd
Broad Street Business Centre
10 Broad Street
Spalding
Lincs
PE11 1TB
Location: Broad Street Business Centre 10 Broad Street Spalding Lincs
Description: Demolition of existing class B1 commercial building and construction of 26 new dwellings and associated external works including landscaping

South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):

- 1 The proposed development would by virtue of its design have significant adverse impacts on the quality, character and integrity of the Conservation Area and appear at odds with the adjacent host of Listed Buildings, resulting in an incongruous development within the street scene. The proposal does not make a positive contribution or enhancement to the historical context. Therefore, the proposal is contrary to Policies SG1, SG14 of the South Holland Local Plan 2006 and national guidance contained in Section 7 and 12 of the National Planning Policy Framework 2012.

Notes:

The determined plans are:

Drw No 2931 200 A Roof Plan (Mar 2017);
Drw No 2931 201 A Ground Floor Plan (Mar 2017);

Drw No 2931 202 A First Floor Plan (Mar 2017);
Drw No 2931 203 A Second Floor Plan (Mar 2017);
Drw No 2931 204 A West Elevation (Mar 2017);
Drw No 2931 206 A North Elevation (Mar 2017);
Drw No 2931 207 A Proposed Elevation (Mar 2017);
Drw No 2931 208 A Proposed Elevation (Mar 2017);
Drw No 2931 209 A Proposed Elevation Bike Store (Mar 2017);
Dwg no. B/2931-205A Proposed South Elevation (Mar 2017);
Design and Access Statement Neil Dowlman Architecture (Dec 2016);
Heritage Assessment Neil Dowlman Architecture (Feb 2017);
Flood Risk Assessment Neil Dowlman Architecture (Dec 2016).

The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise. Furthermore, matters of concern with the application have been identified and discussed with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory solution and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>



Paul Jackson
Place Manager
South Holland District Council

BUILDING REGULATIONS:

This decision refers only to planning permission as granted under the Town and Country Planning Act 1990. The works that you are proposing may also require Building Regulations and this planning permission does not give authority under Building Regulations to commence work. Please contact the Building Control section for further information on 01775 764557 or bcadmin@sholland.gov.uk

RIGHTS OF APPEAL

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or grant consent subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 or Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990.

Timescales for appealing

The deadlines for appeals are calculated from the **date of decision** and are as follows for the types of applications below:

12 Weeks	6 Months	8 Weeks
Householder Applications	Planning Permission	Consent to Display Adverts
Minor Commercial Development	Listed Building Consent	
Agricultural Determinations	Other Prior Approval Applications	
Householder Prior Approval Applications		

Enforcement Notices

If an enforcement notice was served prior to the planning application being determined then the deadline for appealing is 28 days from the date of the **planning refusal**

If an enforcement notice is served after the planning application is determined then the deadline for appealing is 28 days from the date of the **enforcement notice** OR **the timescales stated above for each application type** from the date of the planning refusal - whichever is sooner.

All appeals must be made using an Appeal Form which you can get from The Planning Inspectorate at Temple Quay House, 2 The Square, Bristol, BS1 6PN (tel: 0303 444 5000) or you can submit your appeal online at:

<http://www.planningportal.gov.uk/planning/appeals/online/makeanappeal>

The Secretary of State can allow a longer period for giving notice of an appeal but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the

provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

For detailed information on appeals, appeal types and guidance on the appeals process please visit:

<http://www.planningportal.gov.uk/planning/appeals/planningappeals>

Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grant it subject to conditions the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of the Part VI of the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Building and Conservation Areas) Act 1990.