DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1295-21 **Applicant:** Aldrich Group

Proposal: Demolition of Station House and erection of 6 self contained studio flats - re-submission of H16-0690-21

Location: Station House Kings Road Spalding

Terminal Date: 8th February 2022

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework 2021

Class ZA of Part 20 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Representations:

	Object	Support	No Obj.	Comments
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	2
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	2
SHDC INTERNAL	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is an application for prior approval for the proposed demolition of Station House and erection of 6 self contained flats under Class ZA of Part 20 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The application is a re-submission of H16-0690-21, which was refused for the following reason: *"The proposed development would result in the demolition of a building that can be considered a Non-Designated Heritage Asset by virtue of its aesthetics and historical importance in terms of its relationship with the once extensive railway hub at Spalding. Its demolition would lead to the complete and total loss of its significance and it is for this reason that the proposal is not considered to accord with Class ZA, ZA. 2(j) of Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*

No changes appear to have been made to the submitted documents with the exception of the cover letter.

Site Description

The application site sits on the junction of Sandtone Gardens and Kings Road on the edge of the town centre of Spalding. It accommodates a two-storey building, which is currently vacant and sits within a large curtilage that comprises of hardstanding and overgrown grass. There is a new self-storage facility to the west and north, residential properties to the north-east and east, with Winfrey Avenue car park and bus station and a small number of residential properties to the south. The railway line is situated further to the west.

Relevant History

H16-1195-21 - DEM - Demolition of Former Station House (approved December 2021)

H16-0690-21 - PAA - Demolition of Station House and erection of 6 self contained flats (refused November 2021)

H16-0011-09 - Residential development including conversion of gatehouse into dwelling (application withdrawn June 2009)

Consultation Responses

Environment Agency - No objection subject to development being carried out in accordance with submitted flood risk assessment and its recommended mitigation measures.

Welland and Deepings IDB - No comment.

LCC Highways/SUDS - Does not wish to restrict the grant of permission. The site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development will not be reliant on the private car and therefore parking is not essential for this proposal.

LCC Historic Environment Officer - This office has commented on previous proposals for this site and we would like to reiterate our earlier advice. The proposed development involves the demolition of Station House, which may be considered a Non-Designated Heritage Asset in the terminology of the NPPF. It is an unusually large example of the housing constructed by the Great Northern Railway in the late 19th century to accommodate senior railway staff. Its architecture also demonstrates the high standing that such staff had in society at the time and the importance of the railway to the town's development. The house is recorded on the 1888 Town Plan of Spalding

where it is named Stepping Stone Villa, and King's Road was known as Stepping Stone Lane. It was then the only building on the street. Station House is likely to have been built as part of the extensive expansion of Spalding Station (Grade II Listed) which took place in 1882 as part of the opening of the Great Eastern and Great Northern Joint Railway (now the current main line to Sleaford and Lincoln). Stepping Stone Bridge to the west was erected at the same time in order to cross the numerous lines and sidings of the station, which was then one of the largest in the region. Historic directories for Spalding show that Stepping Stone Villa (later known as Station House) was initially the home of the Inspector of Spalding Station, and later of the Station Master. Station House has an L-shaped plan and is built of brick with two storeys and a pitched slate roof, with prominent decorative bargeboards and timber finials to its three gables. It's main facade is double fronted and faces west onto the former marshalling yards of the station, from which the Inspector who lived here was responsible for approving the safe departure of all traffic. The west elevation has a central gabled porch with timber finial, either side of which is a large three light sliding sash window. Above there is a smaller central window and a pair of two light sliding sashes under blind dormers which also have decorative bargeboards and timber finials. All windows have stone sills and lintels. Station House is a significant survival of the once extensive railway hub at Spalding Station, and has group value with the Grade II Listed Spalding Town Station. The building is relatively wellpreserved with few modern alterations, and appears capable of reuse and continued conservation. Impacts on the heritage and archaeology are a material consideration in the approval of Class ZA permitted development prior approvals. The NPPF requires that the effect of a development on the significance of a non-designated heritage asset be taken into consideration in determining applications, and that a balanced judgement should be reached regarding the scale of any harm or loss of significance (paragraph 203). Demolition would result in the complete loss of significance of Station House as a non-designated heritage asset. If, however, the local planning authority is minded to grant approval it is recommended that prior to development the applicant should be required to undertake historic building recording according to a scheme of works to be agreed with, submitted to and approved by the local planning authority. 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 Council's standard conditions AR01, 02 and 03. This is in accordance with paragraph 205 of the NPPF: "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. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted." This scheme of works will be for full historic building recording.

SHDC Environmental Protection (contaminated land) - I have reviewed the EPS 'Phase I Geo-Environmental Desk Study Station House Kings Road Spalding Lincolnshire PE11 1QB ' report ref UK21.5446 dated 23rd June 2021 Issue 1 and make the following comments: The desk study report does not identify a specific industrial use the for site itself, but acknowledges that it has been within a wider industrial setting for at least 140 years. No direct investigation was undertaken however the report suggested that if made ground were encountered, remedial action should be undertaken as there was only a limited area of soft landscaping expected. Given the proposed soft landscaping covers in excess of 50% of the site area, I feel that some, limited, direct investigation is appropriate in order to define the need for, and extent of, any remediation. I therefore recommend parts ii-iii of the standard land contamination condition 1 and condition 2 be applied to this permission.

Planning Considerations

Principle

The development is proposed under the provisions of Class ZA of Part 20 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). This particular Class of the GPDO allows for the demolition of certain types of buildings and the construction of new dwellinghouses in their place as Permitted Development, provided that certain conditions and criteria are met.

ZA. (1) specifies that the Class applies to the following types of building/use -

(a) any building comprising a single purpose-built detached block of flats, and
(b) any other single detached building, comprising premises established -
(i) for office use falling within Class B1(a) of the Schedule to the 1987 Order,
(ii) for research and development falling within Class B1(b) of the Schedule to the 1987 Order, or
(iii) for an industrial process falling within Class B1(c) of the Schedule to the 1987 Order,

or for any combination of them,
existing on 12 March 2020, together with its replacement by a single building covered by sub-paragraph (2), involving operations listed in sub-paragraph (3).

The planning history of the building is limited, but from what remains of the internal furnishings it can be deduced that the building had been used as offices prior to it becoming vacant. The operations necessary would be covered by sub-paragraph (3). Therefore, on the balance of probabilities, this part of the GPDO is complied with.

ZA. (2) specifies that such a building may be replaced by either -

(a) a purpose-built detached block of flats, or
(b) a purpose-built detached dwellinghouse.

The proposal is for a purpose-built detached block of flats and therefore complies with the GPDO in this regard.

ZA1. (a) - (m) set out the circumstances in which development is not 'Permitted' -

(a) if land covered by, or within the curtilage of, the old building -

(i) is occupied in any part under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

(ii) is or forms part of article 2(3) land;

(iii) is or forms part of a site of special scientific interest;

(iv) is or forms part of a listed building or land within its curtilage;

(v) is or forms part of a scheduled monument or land within its curtilage;

(vi) is or forms part of a safety hazard area;

(vii) is or forms part of a military explosives storage area; or

(viii) is within 3 kilometres of the perimeter of an aerodrome;

(b) if the old building was constructed after 31 December 1989;

(c) if the footprint of the old building exceeds 1,000 square metres;

(d) if the height of the highest part of the roof of the old building above ground level (not including plant, radio masts
and antennae) is greater than 18 metres at any point;

(e) unless the old building has been vacant for a period of at least 6 months immediately prior to the date of the application for prior approval;

(f) if the old building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the old building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support (and for this purpose keeping the old building vacant does not of itself count as action or inaction);

(g) if the demolition is "relevant demolition" for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area);

(h) if any of the footprint of the new building falls outside the footprint of the old building;

(i) if any part of the exterior wall of the new building nearest to a highway is nearer to the highway than the part nearest the highway of the exterior wall nearest the highway of the old building;

(j) if the height (not including plant, radio masts and antennae) of the new building would at any point exceed the lower of -

(i) 7 metres above the height (not including plant) of old building; or
(ii) 18 metres above ground level;

(k) if the new building has more than X + 2 storeys, where "X" is the number of storeys in the old building;

(l) if the new building has more storeys than the old building and the floor to ceiling height of any additional storey in the new building, measured internally, would at any point be greater than the lower of -
(i) the floor to ceiling height, measured internally, of any storey in the old building; or
(ii) 3 metres; or

(m) if the height of any plant on the roof of the new building as measured from the lowest surface of that roof would be greater than the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the old building.

The proposal appears to satisfactorily comply with the above criteria.

ZA.2 sets out that development under Class ZA is permitted subject to the following conditions -

(2) Where any development under Class ZA is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to -
(a) transport and highways impacts of the development;
(b) contamination risks in relation to the new building;
(c) flooding risks in relation to the new building;
(d) the design of the new building;
(e) the external appearance of the new building;
(f) the provision of adequate natural light in all habitable rooms of each new dwellinghouse in or comprising the new building;
(g) the impact of the development on the amenity of the new building and of neighbouring premises, including overlooking, privacy and light;
(h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;
(i) the impact on business and new residents of the development's introduction of, or increase in, residential use in the area in which the development is to take place;
(j) the impact of the development on heritage and archaeology;
(k) the method of demolition of the old building;
(l) the plans for landscaping of the development, including the planting and maintenance of shrubs and trees; and
(m) any -
(i) air traffic and defence asset impacts of the development, and
(ii) impact that, because of the siting of the new building, the development will have on a protected vista identified in the Directions Relating to Protected Vistas dated 15 March 2012 by the Secretary of State,
unless no part of the new building (including plant, radio masts and antennae) occupies airspace not occupied by the old building (including plant, radio masts and antennae).

Addressing the above:

(a) The Highway Authority has raised no objection on highway grounds, commenting that: "The site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development will not be reliant on the private car and therefore parking is not essential for this proposal."

(b) SHDC's Environmental Protection Officer responsible for contaminated land has recommended that parts ii-iii of the standard land contamination conditions be applied to any permission granted on the basis that soft landscaping covers in excess of 50% of the site area and that some limited direct investigation is appropriate in order to define the need for, and extent of, any remediation.

(c) The Environment Agency have no objections to the proposal subject to the development being carried out in accordance with the submitted flood risk assessment. The ground floor level of the new building would be set at 4.00m ODN, which is approx. 500mm lower than the floor level of the

existing house. However, the existing building is approx. 500mm above average surrounding ground level and approx. 0.9m above the lowest ground level on the site. It has been assumed that ground levels will be around 3.70m ODN once the building is demolished, therefore the new building would be approx. 300m above the new ground level. This is satisfactory given that the South East Lincolnshire Strategic Flood Risk Assessment (2017) mapping indicates that the site is not subject to flood hazard or depth, despite being in Environment Agency Flood Zone 3.

(d) The proposal is for a three storey building of red brick construction with the incorporation of features such as stone lintels, decorative bargeboards and finials and a pitched roof in an attempt to provide some reference to the existing building. Taking into account existing development in the vicinity, the design/appearance is considered appropriate for the site.

(e) As above.

(f) Based on the plans provided, it is considered that adequate natural light would be provided in all habitable rooms to each flat.

(g) Using the Nationally Described Space Standards (March 2015) as a guide, it is considered that adequate internal amenity space will be provided for each flat, however the functionality of the space available to the ground, first and second floor flats is questionable given the shape of the main living space. The site has a large curtilage where soft landscaping will be provided and act as external amenity space.

In terms of the relationship with existing dwellings, the closest dwelling is no. 1 Kings Road. The nearest window on the side elevation would appear to be to the stairs and therefore not a habitable space. There are further windows to the rear single storey projection, however these are at an angle to those in the proposed new building and there is not considered to be a material overlooking impact. There would be an approx. 18m separation distance between this rear project of no. 1 Kings Road and the proposed building. As such a distance and the positioning of the building in relation to these windows, it is not anticipated that there would be a material overbearing or overshadowing impact.

(h) The closest commercial premises is the new self-storage facility located adjacent to the site. This particular use is generally considered compatible with residential dwellings and therefore no adverse amenity impact is anticipated in this regard.

(i) As above.

(j) Station House can be considered a Non-Designated Heritage Asset. As explained by the County's Historic Environment Officer, Station House is an unusually large example of the housing constructed by the Great Northern Railway in the late 19th century to accommodate senior railway staff and their family. Its architecture also demonstrates the high standing that such staff had in society at the time and the importance of the railway to the town's development. The house is recorded on the 1888 Town Plan of Spalding where it is named Stepping Stone Villa, and King's Road was known as Stepping Stone Lane. It was then the only building on the street. Station House is likely to have been built as part of the extensive expansion of Spalding Station (Grade II Listed) which took place in 1882 as part of the opening of the Great Eastern and Great Northern Joint Railway (now the main line to Sleaford and Lincoln). Stepping Stone Bridge to the west was erected at the same time in order to cross the numerous lines and sidings of the station, which was then one of the largest in the region. Station House is a significant survival of the once extensive railway hub at Spalding Station, and has group value with the adjacent Stepping Stone Bridge (recorded in the Lincolnshire Historic Environment Record MLI23540), and the Grade II Listed Spalding Town Station. The building is relatively well-preserved with few modern alterations, and appears capable of reuse and continued conservation. In light of this, and given that the impact on the historic environment in this instance would be a complete loss of its significance (a material planning consideration under Paragraph 203 of the National Planning Policy Framework, 2021), it is considered that the proposal would have an unacceptable impact on heritage grounds.

SHDC's Conservation Officer also concurred with this view commenting on the previous application (ref. H16-0690-21) that: "Seeing as this application is for the demolition and therefore, complete and total loss of significance of the non-designated heritage asset, and nothing has been submitted to suggest that the site is structurally unsound or functionally impossible to adopt to acceptable standards, I would suggest that the justification given for its loss - lack of renewable energy sources, sustainable materials and the expense or difficulty of upgrading the building to meet current

expectations with regards to insulation, heating and drainage - is not robust enough to mitigate the potential harm to the character and heritage of Spalding that would be brought about by the total loss of the heritage asset."

(k) The submitted Demolition Statement is considered acceptable.

(l) The submitted Site Plan indicates areas of soft landscaping around the building, although specific details of planting arrangements have not been provided. These are details that could reasonably be conditioned.

(m) No air traffic or defence assets would be adversely impacted by the proposed development and there are no Protected Vistas in the vicinity of the site.

Relevance of extant consent to demolish Station House

Consent was granted under application ref. H16-1195-21 for the demolition of the building under the provisions of Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO).

The 'Planning Considerations' section of the officer report for that application states the following:

"Under the provisions of Part 11, as the building in question is not in a Conservation Area and is not a Listed Building, the proposal is 'development' but is not 'relevant demolition'. As such, it does not require planning permission, but it can be permitted development.

Because permitted development rights have not been removed and the building has not been rendered unsafe by the actions of a person with an interest in the land, the proposed demolition is permitted development, subject to the prior approval by the Local Planning Authority with respect to the method of demolition and other conditions outlined in Class B.2 of Part 11 of the GPDO.

The applicant has submitted details regarding the method of demolition and the proposed restoration of the site. These are deemed to be acceptable."

It was on that basis that consent was granted.

However, this present application falls to be considered under the provisions of a different part of the GPDO, namely Class ZA of Part 20 to Schedule 2, and this Class allows for the impact of the development on heritage and archaeology to be considered. It does not limit consideration to only Listed Buildings or those located within a Conservation Area. The previous refusal reason is therefore considered to remain relevant.

Although it is accepted that a consent granted under the provisions of the GPDO can represent a 'fall back' position that should be treated as a material consideration when determining a subsequent full planning application (e.g. Class Q and barn conversions), it is for the decision maker to determine the weight that should be attributed to such a decision. Case law is clear in this regard. However, what is unclear is whether a demolition consent granted under the GPDO should be treated as a material consideration when determining a subsequent prior approval application of this nature. This is largely due to Class ZA being a relatively recent introduction and there being little case law on the subject.

On this basis, officers are inclined to adopt a cautious approach, particularly given the unacceptable heritage impact outlined previously, a matter which forms a key consideration of Class ZA. Officers have therefore attributed limited weight to the extant demolition consent, treating the heritage impacts as an overriding concern.

Planning Balance

Whilst the proposal is considered to satisfactorily comply with the majority of criteria set out within Schedule 2, Part 20, Class ZA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it is considered that the loss of the existing building, given its significance in relation to the history of the railway in Spalding, is unacceptable on heritage grounds (ZA.2 (j)). The extant demolition consent is acknowledged, however officers are of the view that limited weight should be attributed to this consideration in the face of overriding concerns relating to impact on the historic environment.

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.

Conclusion

In light of the considerations above, the proposal is not considered to be in accordance with Schedule 2, Part 20, Class ZA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), specifically ZA.2 (j).