

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H16-1349-21 **Applicant:** Cley Developments Ltd.

Proposal: Erection of 2 two bed detached dwellings

Location: Land Adj. The Library Victoria Street Spalding

Terminal Date: 25th February 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 ENVIRONMENT OFFICER	0	0	0	1

SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This full application proposes the erection of 2 two-bed detached dwellings, each two storeys in height.

The ridge height of these dwellings will be between the height of the buildings fronting Station Street and that of the flat roof to the library.

The properties have been designed to emulate the Victorian period in appearance. The bricks are a traditional red multi facing brick complementing the slate roof material and will be laid garden wall bond of 5 stretchers to 1 course headers. A reconstituted stone string course will line through with the first floor cills similar to that seen on the Station Street building. Painted timber double hung sash windows complete the Victorian appearance.

The application is supported by a Flood Risk Assessment, Heritage Impact Assessment and Design and Access Statement.

Site Description

The application site is within Spalding, located within the conservation area and Town Centre boundary, but is not within the Primary Shopping Area.

The site is vacant and formerly was the location of a bakery building, that fell into disrepair and was demolished.

History

H16-0601-17. FULL. Erection of 7 apartments, including part demolition of existing brick building (re-submission of H16-0297-17). APPROVED 01-12-17.

Work commenced on site early 2021 only to come to a stop due to the discovery of a fresh water cistern.

H16-0297-17. FULL Erection of 7 apartments, including part demolition of existing brick building. REFUSED. 14-06-17.

The proposal would have an unacceptably harmful impact on the character and appearance of the conservation area. The scheme is considered to have no design coherence whatsoever. The roof has a gable at one end and is hipped at the other. On the main elevation, instead of a front door there is a central archway. The fenestration although symmetrical comprises windows of a primarily horizontal proportion that are visually overbearing. The building fills the entire width of the frontage creating an awkward juxtaposition with the neighbouring library as well as a blank area of wall that runs the full height of the building. The height of the building (increased from previously) adds to its incongruity within the context of the wider streetscene as its proportions are inappropriate both of itself and within the townscape. The fenestration to the east elevation continues with a complete lack of visual coherence with narrow window proportions more reminiscent of a workhouse together with windows of a square proportion that have no historical precedent. As such, the proposal is contrary to the provisions of Section 12 of the NPPF (paragraph 131); namely, the desirability of sustaining and enhancing the significance of all heritage assets and the desirability of new

development making a positive contribution to local character and distinctiveness.

H16-0146-16. FULL. Demolition of dilapidated building and erection of 6 No. 1 bed apartments.
APPROVED 11-04-16.

Consultation Responses

SHDC Environmental Protection

No comments or objections.

Spalding & District Civic Society

No response received.

LCC Historic Environment Officer

I can confirm that this written scheme of archaeological investigation meets the requirements of this office. As it has been provided prior to determination we would recommend that it could form part of the approved plans if permission is forthcoming, avoiding the requirements for a pre-commencement condition.

However the secondary AR2 and AR3 conditions should still be added to any fresh planning permission to require notification of the intention to re/start the archaeological work, and subsequently to approve the final report and deposition of the finds and paper archive to the museum.

"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." - National Planning Policy Framework, section 16, paragraph 205.

LCC Highways & SUDS Support

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.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage on all Major Applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the drainage proposals for this planning application.

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 the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Welland and Deepings Internal Drainage Board

No response received.

Third parties

One objection - Pedals - The application plans do not show how the cycle storage referred to on the application form will be provided. This objection will be overcome if the plans are amended to show satisfactory compliance with Policy 36 and Appendix 6 of the Local Plan.

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 application site is within Spalding, located within the conservation area and Town Centre boundary, but is not within the Primary Shopping Area.

The site is considered to be acceptable for development in principle, and consent has previously been granted for the redevelopment of this land for residential purposes.

Layout and Design

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

The detailing propose is considered to be appropriate to this part of the conservation area.

Refuse collection

Refuse collection is to be from front of house, as is standard for single family dwellings of this type. Refuse bin storage is show 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 teh town centre, it is not considered that on this site strict adherence to the vehicular parking standard is required.

Cycle storage storage is indicated in the application form, but not shown on the plans. This is to be dealt with via a 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 sets an expectation that the finished floor levels of the ground floors of these dwellings is set at 200mm above the footpath level of approximately 5.25 OD. This can be delivered via condition.

Foul and Surface Water Drainage

Both foul and surface water drainage are to be disposed of via the mains sewer, as is typical in this town centre location.

Contaminated Land

It is not considered that further submission is required, given the extent of works already undertaken on the site.

Heritage considerations and Archaeology

The design of the proposal is discussed above. It is considered that the proposal would enhance the character and appearance of this part of the Spalding Conservation Area for the reasons set out above.

Regarding archaeology, the LCC Historic Environment Officer confirms that the written scheme of archaeological investigation meets the requirements of that service. As it has been provided prior to determination it shall form part of the approved plans and documents avoiding the requirements for a pre-commencement condition.

However the secondary AR2 and AR3 conditions should still be added to any fresh planning permission to require notification of the intention to re/start the archaeological work, and subsequently to approve the final report and deposition of the finds and paper archive to the museum, for the reasons set out above.

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 enhances 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.