

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Development Manager

**To:** Planning Committee - 13 March 2019

**(Author:** Mark Simmonds - Planning Officer)

**Purpose:** To consider Planning Application H16-0469-18

**Application Number:** H16-0469-18

**Date Received:** 16 May 2018

**Application Type:** FULL

**Description:** Change of use of the existing building from use class D2 to use class C3, to include four 2-Bedroom apartments and two 1-bedroom apartments, proposed new four storey apartment building including twelve 1-Bedroom apartments, and associated external works and infrastructure.

**Location:** THE FITNESS COMPANY 38 SPRING GARDENS SPALDING

**Applicant:** Minster Building Company

**Agent:**

Jackson Design Associates

**Ward:** Spalding St Johns

**Ward Councillors:**

Cllr G K Dark  
Cllr J D McLean

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H16-0469-18>

### **1.0 REASON FOR COMMITTEE CONSIDERATION**

1.1 Significant public interest and design and heritage issues warrant Committee consideration.

### **2.0 PROPOSAL**

2.1 The proposal seeks planning permission for the change of use of the existing building from use class D2 (Assembly and Leisure) to use class C3 (Dwelling Houses), to include 4 two-bedroom apartments and 2 one-bedroom apartments, proposed new four-storey apartment building including 12 one-bedroom apartments, and associated external works and infrastructure.

2.2 No parking is provided on site due to the town centre location and type of accommodation. Secure cycle parking is to be provided.

2.3 The new building would be four-storeys high, modern in design with decorative (timber) cladding elements and some vertical emphasis to the windows to pick up some design details from the very finely constructed and beautiful host building adjacent, it is however a real contrast to the existing building - this site is also heavily influenced by the large and brutally modern post office sorting office directly adjacent (currently vacant).

2.4 The application has been amended following discussions with officers and the original development has been reduced down to 6 apartments in the existing building instead of the 8 originally proposed, this is to reduce impact upon neighbouring residential properties.

2.5 The existing building, converted to 6 apartments, would form the affordable housing contribution

as a stand alone element of the development, while two of the apartments are under the minimum sizes normally required for affordable housing units the contribution in totality equals just over 28% which is slightly above the 25% now sought on residential schemes in line with the emerging South East Lincolnshire Local Plan (not yet adopted).

2.6 The Planning Officers did query whether the application should be considered and determined as an extra care home (C2), however, the applicant's company website clearly states they are not a care provider but provides supporting housing for a range of people with varying degrees of support required.

2.7 The Agent has stated they wish the application to be determined as C3.

"The applicant isn't agreeable to the change as it wouldn't accurately reflect the scheme which is neither extra-care or a care home. The applicant has reconfirmed to us that the scheme is a C3 residential scheme as described in the application. Tenants will rent their property from a Housing Association in the same way that any other tenant does and that is a standalone arrangement. As the tenants that will be nominated MAY require an element of care and support, there will be an option for tenants to procure a care package via Royal Mencap, but the property and the care provision are not linked or related. A tenant could require very little or no support or may, at times, require a greater level. It is no different to any disabled or elderly person that may require care to remain in their own home, it is just that these tenants will be renting from a Housing Association. These are people with their own tenancy in their own home."

For clarity this is one of numerous schemes that ourselves and the applicant have delivered over many years as C3 housing schemes.

2.8 It is not entirely clear as to whether such "extra care" schemes are C2 or C3 and there are cases which relate to both classes. However the Planning Officers consider, on balance, that it is legitimate for the proposals to be determined as C3 as described, particularly as there are not any communal facilities proposed.

2.9 Amendments to the scheme, to address some design issues raised by Officers and supported by the Historic Environment Record Officer at Lincolnshire County Council, were made and have been consulted upon.

### **3.0 SITE DESCRIPTION**

3.1 The site is located within the Spalding Conservation Area and within the settlement boundary of Spalding. The site is currently in use as car parking to the host building which was used for leisure purposes before becoming vacant. The proposed new building is located within the Spalding Conservation Area and adjacent to the former church institute (a locally significant non-designated heritage asset) and, therefore, requires a design that is sensitive to its historic surroundings.

3.2 The site currently forms a 'gap' in the street scene and passing views are available to Listed Buildings in adjacent streets, most notably the Sessions House and the Old Police House, both important buildings in Spalding's historic core.

3.3 As noted above the site is also directly adjacent to, and heavily influenced aesthetically by, the now vacant post office sorting centre a large monolithic and modern building which is very prominent in the local street scene.

### **4.0 RELEVANT PLANNING POLICIES**

#### **4.1 The Development Plan**

##### South Holland District Local Plan, July 2006

The Council is in the process of finalising a new Local Plan (the South East Lincolnshire Local Plan). The new Local Plan has been through its formal Examination process and the final report from the Planning Inspectorate has now been received. However, the new Local Plan

has yet to be formally adopted. The saved policies in the 2006 Adopted South Holland Local Plan therefore remain material. However, the new Local Plan is now considered to carry significant weight in the decision-making process.

Policy SG1 - General Sustainable Development  
Policy SG2 - Distribution of Development  
Policy SG3 - Settlement Hierarchy  
Policy SG11 - Sustainable Urban Drainage Systems (SUDS)  
Policy SG14 - Design and Layout of New Development  
Policy SG15 - New Development: Facilities For Road Users, Pedestrians And Cyclists  
Policy SG16 - Parking Standards in New Development  
Policy SG17 - Protection of Residential Amenity  
Policy SG18 - Landscaping of New Development  
Policy HS4 - New Housing in Spalding and the Area Centres (Other Towns and Donington) (Non-Allocated Sites)  
Policy HS8 - Affordable Housing  
Policy HS11 - Open Space In New Residential Developments

#### South East Lincolnshire Local Plan (scheduled to be adopted March 2019)

Policy 1 - Spatial Strategy;  
Policy 2 - Development Management;  
Policy 3 - Design of New Development;  
Policy 4: Approach to Flood Risk;  
Policy 6: Developer Contributions;  
Policy 11: Distribution of New Housing;  
Policy 17: Providing a Mix of Housing;  
Policy 18: Affordable Housing;  
Policy 29: The Historic Environment;  
Policy 32: Community, Health and Well-being;  
Policy 36: Vehicle and Cycle Parking.

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.

#### National Guidance

##### National Planning Policy Framework (NPPF), February 2019

Paragraph 11- The presumption in favour of sustainable development  
Section 12 - Achieving well-designed places  
Section 14 - Meeting the challenge of climate change, flooding and coastal change  
Section 16 - Conserving and enhancing the historic environment

#### 4.2 Planning Practice Guidance (PPG), 2014

### 5.0 **RELEVANT PLANNING HISTORY**

5.1 No relevant site history.

### 6.0 **REPRESENTATIONS**

#### 6.1 Ward Councillor

Cllr J D McLean - Objects - In the Conservation Area and listed as having Local Historic Interest In close proximity to two Listed Buildings (The Old Police Station and Sessions House). Very little outside space for all 21 apartments. This will likely exacerbate the existing problems in this area and others like it resulting from the increased density of residence. The limited outside space also raises questions about clothes drying and space for waste. Removing the opportunity for vehicles to park on this site does not mean that many of the new residents will only walk or use a bicycle. This will just cause more problems in the surrounding area, which already feels suffocated in this regard. The Design and Access Statement highlights the benefits of the road links to drivers, and distance by road from the A16, Peterborough and the

A1. Believes this is damaging to the surrounding area and does more harm than good to a building that we have a duty to preserve.

6.2 Historic England

"On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant."

6.3 LCC County Highways/SUDS

"The application site is within close and convenient walking and cycling distance to the Town Centre of Spalding, where there are shops, facilities and places of work, including sufficient public transport options for the proposed accommodation to be suitable for those without a motor vehicle."

- Advise conditions.

6.4 Anglian Water

Detailed comments - current surface water information unacceptable and a condition is required.

6.5 SHDC Environmental Protection

Request the full land contamination condition.

6.6 SHDC Environmental Health

No objection.

6.7 SHDC Environmental Services

The applicant needs to be aware that in order for refuse/recycling/garden waste (if applicable) from the properties will need to be presented to the curtilage of the site in order for them to be collected by South Holland District Council.

6.8 Welland & Deepings Internal Drainage Board

Comments (Agent has advised them that surface water will run to main sewers).

6.9 NHS England

The S106 funding would go towards facilities in the area of Spalding. The contribution requested for this development is £9,324.

6.10 Police

No objections. Comments/advice on security.

6.11 LCC Historic Environment Officer

Very detailed commentary on Archaeology and the impacts on the Conservation Area and Listed Buildings;

"IMPACT ON ARCHAEOLOGY

Following our initial recommendation the developer has commissioned a programme of archaeological evaluation by trial excavation. This was in order to assess the survival and significance of buried archaeology on the site because it lies within the former precincts of Spalding Priory and in close proximity to the core of the medieval town, and historic mapping showed that much of the site had never been developed.

This evaluation has revealed that no remains of the priory buildings exist within the site, and there is no reason to refuse consent on archaeological grounds. However, beneath a layer of post medieval levelling the evaluation revealed a historic former watercourse, which was cut by a gully of medieval date that also contained redeposited Saxon pottery, animal bone, Roman roof tile, and a fragment of burnt daub (walling from a timber building), and second gully containing Saxon pottery of 11th century date, as well as further probable Roman tile and animal bone. This likely indicates the presence of earlier activity in this area, which has not previously been identified in this part of Spalding. Such remains rarely survive as they are often destroyed by later activity, and are therefore of greater significance for the light they can shed on the earliest origins of the town.

As the foundation design for the building has yet to be agreed (and whether piling or strip foundations will be used) it is not possible to assess how these remains, which are relatively deeply buried will be impacted by development. Therefore, it is the recommendation of this office that a condition be added for a scheme of archaeological works, including a mitigation strategy, which if necessary could include the monitoring and recording of groundworks if necessary. This will ensure the recording of archaeological remains only if they are impacted by development, as required by NPPF Section 16, Paragraph 199. This should be secured using South Holland District Council's standard conditions AR1, AR2 and AR3.

#### IMPACT ON CONSERVATION AREA & LISTED BUILDINGS

This office wishes to acknowledge the attention given to trying to minimise the impacts on the historic environment when formulating the design of the proposed building, which is clear in the revised Design & Access Statement. As noted in our initial consultation response."

### 6.12 SHDC Housing Strategy

Two of the apartments proposed as the affordable housing element are smaller than the minimum sizes recommended as detailed below:

Apartment 1 (1 bed): 50.4m<sup>2</sup> GIA (minimum 45m<sup>2</sup> recommended).

Apartment 2 (1 bed): 40.3m<sup>2</sup> GIA. (minimum 45m<sup>2</sup> recommended). This is below the recommended space standards so could be discounted in terms of affordable housing provision.

Apartment 3 (2 bed): 63.8m<sup>2</sup> GIA (minimum 67m<sup>2</sup> recommended). This is below the recommended space standards so could be discounted in terms of affordable housing provision.

Apartment 4 (2 bed): 74.2m<sup>2</sup> GIA (minimum 67m<sup>2</sup> recommended).

Apartment 5 (1 bed): 51.8m<sup>2</sup> GIA (minimum 45m<sup>2</sup> recommended).

Apartment 6 (1 bed): 52.7m<sup>2</sup> GIA (minimum 45m<sup>2</sup> recommended).

As a result of this a Registered Provider may be reluctant to acquire the affordable units. However, given that the six apartments are within a self-contained building whereby the freehold could be acquired and the six proposed is above emerging policy compliant levels, delivering 28.57% of the development as affordable housing this could mitigate the smaller units. Ultimately, this is a decision for Development Management and potentially the Planning Committee to decide whether this is acceptable. If the six units are secured then would recommend that these are secured through a Section 106 agreement.

All of previous comments dated 27th November 2018 apply:

Should the development be permitted the current policy requires 1/3 of the development to be provided as affordable housing to meet district wide housing needs. However, given the direction of travel with the soon to be adopted emerging Local Plan, which requires 1/4 of the development to be provided as affordable housing based on viability evidence within the Whole Plan Viability study, Strategic Housing recommends that 1/4 (25%) of the development should be provided as affordable housing. The affordable housing should be delivered in accordance with the affordable housing as described in Annex 2 of the National Planning Policy Framework, dated July 2018, or any Planning Policy Statement, Guidance Notes or Circulars which may amend, supplement or supersede this. The affordable contribution would usually be provided with a tenure split of 70% in favour of Rented and 30% affordable home ownership dwellings. However, given that this is a flatted development and there are challenges with delivering affordable home ownership homes within a mixed leasehold scheme the affordable homes should all be provided for rent. It would be preferable for the affordable housing to be secured through a Section 106 agreement. The Section 106 agreement should include an agreed affordable housing scheme detailing the tenure split, property types and sizes, plot numbers, internal floor areas, design standards and the phasing of the affordable housing units. It would

be preferable for the homes to be built to the 'National Space Standards'. As a minimum the affordable homes should be at least: 1 bed 2 person 45sqm 2 beds 4 person 67sqm Ideally the affordable housing should be spread proportionately across the scheme to enable a mixed and sustainable community. The developer should also seek to secure a Registered Provider for the affordable dwellings at the earliest opportunity. The Strategic Housing Team can provide a list of RPs with stock in the local area should the developer require this.

#### 6.13 Spalding & District Civic Society

Object - no problem with the conversion of the existing building into apartments. However, the proposed new block is far too big, blocking out views of the Sessions House, and presenting an almost blank wall to face the sorting office, which they expect and hope will be eventually demolished and replaced with residential or office buildings. This monolithic elevation will tie the hands of the future developer of the sorting office site. It is imperative that both sites be developed as an integrated whole, so that this important site in the Conservation Area will be able to present a unified face.

#### 6.14 Public

The following objections have been received (approximately - 22 objections)

- Building is so high it will block light to garden and to windows
- Loss of light, overshadowing
- There will be little or no light in garden which is light and bright now - loss of sunshine - lack of vitamins from sunshine
- Building is so high and wide, windows will look into property and will not be able to go into garden without being watched
- Loss/invasion of privacy
- Traffic generation
- Lack of refuse facilities
- Building is 'gross' and not in keeping with nearby properties with sash windows etc
- There are no other four-storey buildings
- This kind of property does not fit with the existing properties in the area
- If you do not provide car parking facilities where will all the residents park their vehicles.
- There were a large number of flats built recently which face Victoria Street Car Park if you look they are all still empty, therefore, is this type of building really needed in this area? Surely the owners of the site need to be thinking of providing a type of home that people require with plenty of parking as that particular area is very busy road and there is no on-road parking available.
- The brickwork for the proposed new build doesn't even match that of the gym and is too dark.
- This whole corner section of Spring Gardens should be demolished including the old sorting office before this development gets the go ahead.
- A good example of how a corner plot should be developed are the buildings on the old tax office site in Holland Road, Spalding which are much more in keeping with the area and provide a centre area for off street parking.
- The bin area is still at the rear of the property with no clear responsibility of who will bring the rubbish to the front for kerbside collection
- The outline of the new building should reflect the existing property - higher at the front and lower at the back - no more than one-storey high at the rear. Suggest the four-storey frontage of the new building is grotesque and does not fit in with the surrounding buildings at all. All surrounding buildings are two- storey. None are four-storey and its not required in this town.
- The view of the Sessions House is completely obstructed from Spring Gardens by the new building - because it is too large
- No surface water plan is in place for the site which will result in flooding
- Privacy issue with numerous flats looking directly into garden and living room and bedroom - if the building was single-storey at the rear and two-storey at the front would support the new building.
- There is still no parking and in a town centre location where parking is of a premium believe it will lead to accidents and injuries from poor parking provisions. Take a look at the SHDC building where now only a single car can pass at a time - near a large grammar school, it is an accident waiting to happen.
- The look of the new property is not in keeping at all - black windows when everyone else has white windows. Wood cladding when there is no wood cladding in the town centre. Red brick is acceptable.
- Ugly building
- Spring Gardens and the surrounding streets are already full to overflowing with parked cars, many of the houses in this vicinity having multiple occupants meaning 2, 3 and sometimes 4

cars per dwelling. Double yellow lines are regularly ignored with parked cars being moved just before the traffic warden starts work.

- This application will compound the existing problem, the premise that people living in town do not need vehicles is clearly flawed, and the way the applicant proposes to pack these apartments in are slums in the making

- Lack of parking will cause dangerous congestion

- Human traffic down alleyway.

- Lack of outdoor space - clothes drying space

- Potential for multiple satellite dishes/tv aerial's

- Noise and disturbance

- Huge fire risk

- Waste and the environment - huge piles of rubbish bags attracting vermin - health risk

- Objection is to do with the fact that there is no parking provided with the development. All the flat owners are likely to have motor vehicles and they will park them on an already crowded street, spring gardens...this is not a city centre where public transport is good and the majority of the flat owners will not work in the town centre and, therefore, will need transport to get to work...

- The building is within the Conservation Area and is listed as being of Local Historic Interest

- In a prominent location

- Two Listed Buildings will be obscured (Sessions House and Old Police House)

- Just where are the tenants expected to park? Slum apartment block trying to put too much into a tiny space with no thought for parking.

- Public transport is dire in this area so people need cars.

- Perhaps they could use the council office car park to park their cars

- Comments about impacts to my Listed Building and the outlook. Object to a new four-storey building, believe it is excessive and won't be in keeping with the surrounding area. Most are two-storey buildings in the area and feel a two-storey building (or pitched roof to match the old gym with three-storeys) would be better suited to the area.

- Should a four-storey building be approved, request tall trees are planted along the rear perimeter wall at the rear of the property to obscure the view of the new build (they don't need to block the view from the street). The trees would provide a barrier to noise from the development too.

- At night the area is currently very quiet and wish it to remain that way. If there was a four-storey building developed on the site garden and home will be excessively overlooked and will have a significant loss of natural light for the whole day to my garden and to the inside of my home.

- Concern around the reason for 12 one-bedroom flats - will this be social housing or sheltered housing?

- Understand the idea for not having car parking spaces but we live in an especially rural part of England where unless you have a car its difficult to leave the town. Although it wont affect me, fear for the properties on Spring Gardens and Priory Road and The Crescent where they could be inundated by cars.

- There is already a significant rat problem in the area, how can you ensure your bin area is kept clean and tidy? Would a bin contractor be used to clear wheely bins or is it just a area to out bins on the floor?

- Happy with the view of the existing building and pleased it is being put to good use. Think it will be a pleasant place to live for the new residents. Its just the new build I have main concerns with.

- Loss of light. The new building is as high as the existing building but higher a lot further back towards objector's home and garden and looking at where the sun shines into the garden and home, it will be obstructed - won't get any sun until well after 9am. That is significant to the objector and their garden which is currently being redesigned.

## 7.0 MATERIAL CONSIDERATIONS

7.1 The key material issues for considerations in this application are:

- Policy and Principle of Development;

- The impact of development upon neighbouring amenity;

- Impact on the Conservation Area and nearby Listed Buildings;

- Parking

- Agent's Response

7.2 Policy

### 7.3 South Holland Local Plan, 2006

The site is located within the defined settlement limits of Spalding as outlined in the South Holland Local Plan, 2006, and part of the application site is within the development boundary. In this instance, the relevant policy context is Policy HS4 - New Housing in Spalding and the Area Centres (Other Towns and Donington) (Non-Allocated Sites) .

7.4 Residential development will be permitted on suitable sites within Spalding and the Area Centres, where the following criteria are satisfied:

- 1) The site is within the defined settlement limits, as shown on the proposals map; and
- 2) The site constitutes brownfield land, unless it can be demonstrated that no suitable brownfield sites are genuinely available.

7.5 The site meets the criteria set out in Policy HS4 and it is considered that residential development of the site will benefit the community in terms of the provision of much needed modern housing with an Affordable Housing provision slightly over the current % requirement, taken from the emerging plan. The overall character and appearance of the conservation area will be preserved.

7.6 Summarily, the proposed development can only be seen to have a positive impact within social, economic and environmental contexts.

7.7 A redevelopment of the site offers opportunities and will have significant benefits to both the community, the environment and the local economy, as new businesses are likely to be drawn to the area to provide services to the new residents. The urban location also ensures that the development will be sustainable and reduce the need to travel by car.

### 7.8 South East Lincolnshire Local Plan

The most relevant policy with regards to the determination of this application is -

Policy 29: The Historic Environment

Policy 29 states that "Distinctive elements of the South East Lincolnshire historic environment will be conserved and, where appropriate, enhanced"

These proposals are considered to conserve the distinctive qualities of the Conservation Area and are compliant with Policy 29.

Policy 29 goes on to say;

"B. Conservation Areas

Proposals within, affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting.

Proposals should:

2. Retain architectural details that contribute to the character and appearance of the area."

The proposals, by utilising a high quality design and appropriate materials will introduce features that are in keeping with, acceptable and appropriate to the character and appearance of the Conservation Area and are acceptable and compliant with Policy 29.

### 7.9 NPPF 2019

At the heart of the National Policy Framework (NPPF), is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. In that circumstance, Paragraph 11 of the NPPF is quite clear that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh

the benefits, when assessed against the policies outlined in the NPPF as a whole; or specific policies in the NPPF indicate that development should be restricted.

- 7.10 The Council cannot currently demonstrate a 5-year supply of deliverable sites as per the provisions of NPPF. In the context of the objectively assessed need identified in the Council's Strategic Housing Market Area Assessment (SHMA), and including a 20% buffer by virtue of a persistent under delivery of housing, the Council cannot currently demonstrate a 5-year supply.
- 7.11 Given the central urban location of the site, there is a clear precedent that the area is in need of growth to accommodate the needs of its residents and there is not considered to be a policy objection to the development in principle and on the matter of sustainability when assessed against Policy SG1 of the Local Plan 2006.
- 7.12 By developing the site, brownfield and in a sustainable location, with an acceptable scheme, as illustrated by the proposal, it will encourage the reuse of redundant brown field sites. As such, as per the provisions of the NPPF, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies outlined in the NPPF as a whole; or specific policies in the NPPF indicate that development should be restricted.
- 7.13 In light of all this information and policy deliberations, it is considered that a development of the size proposed is not out of keeping with the likely strategic future role and function of Spalding as a Main Town.
- 7.14 As such, as per the provisions of the NPPF, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies outlined in the NPPF as a whole; or specific policies in the NPPF indicate that development should be restricted.
- 7.15 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.
- 7.16 The impact of development upon neighbouring amenity
- 7.17 Concerns raised regarding overlooking, loss of privacy, noise, and lack of on site parking have been duly considered at length with statutory consultees. The plans show a layout that sits well and is a truly bespoke design, designed to meet the conflicting constraints of the site.
- Through careful design and location of the proposed building the development will not unduly impact on the street scene or neighbouring listed buildings. The development will not impact on the privacy and amenity of the occupiers of properties adjacent to the site.
- 7.18 The scale of the conversion and extension of the existing building has been reduced to overcome some concerns about new windows facing neighbours properties.
- 7.19 The developers have formally responded to the Officers request to make amendments to the scheme to avoid overlooking to neighbouring properties.
- 7.20 The new four-storey building is of significant size, scale and massing but due to its positioning in the plot and relationship to neighbouring properties and distance to the properties in the immediate vicinity there would not be likely to be any material overshadowing of private garden areas or loss of privacy, the building backs on to the rear garden of a neighbouring property but at a point well away from the area that would be considered to be the 'private' and sensitive area around the rear of the property.
- 7.21 Policy SG17 - Protection of Residential Amenity states that planning permission will be granted for development which would not cause material harm to residential amenity.

In considering proposals the following criteria will be taken into account:-

- 1) the extent of any overlooking or loss of privacy;
- 2) the extent of any overbearing or overshadowing effect;
- 3) potential noise nuisance including that associated with vehicular activity;
- 4) the levels of smell, emissions and pollutants.

- 7.22 The proposed development, as amended, is considered to comply with the relevant policies which protect amenity.
- 7.23 Impact on the Conservation Area and nearby Listed Buildings
- 7.24 The proposal to develop this site has undergone at least 2 years of pre-application consultation with SHDC. The proposal has taken on different design detailing but is fundamentally the same scheme that has been discussed at pre-application.
- 7.25 The proposal is for a contemporary design has been developed in consultation with the South Holland District Council's Planning and Conservation Officers. The design respects the character of the conservation area in terms of scale and massing and it must be of significant consideration that the immediately adjacent building is the large, modern post office sorting centre.
- 7.26 The design has taken into account the character, scale, and proportions of the neighbouring Listed Buildings to assimilate the contemporary design with its historic context. The Design and Access supporting documents show with diagrams the thought process behind the design of the scheme.
- 7.27 Care has evidently been taken in planning the proposed new building to respond to and reference its historic setting, through its use of materials and in its built form, which achieves a high quality contemporary design.
- 7.28 The addition of improved landscaping and new planting in the courtyard and along the frontage will also make a positive contribution to the street scene in Spring Gardens, mirroring front gardens found nearby.
- 7.29 The other issue to be considered is the impact on the setting of the two Grade II Listed Buildings to the rear of the proposed development, the 19th century former Police Station and Sessions House. At present both buildings can be seen across the car park on this site, which represents a break in the street scene that in some ways detracts from Spring Gardens. The proposed development will fill part of this break in the street scene having, as a consequence, an impact on these views.
- 7.30 Not all development within the setting of a Listed Building is harmful. The NPPF and Historic England guidance explain that it is development within an asset's setting which harms the aspects of its significance derived from setting that are to be avoided.
- 7.31 Both the Police Station and the Sessions House gain some of their significance from their setting within the historic townscape of Spalding and from their relationship to each other as a group.
- 7.32 The Sessions House was evidently designed to dominate the public space of Sheep Market, with its ashlar stone frontage and crenelated towers reducing to brick with simplified architectural detailing in the range visible from the south. This view from Sheep Market is also identified as being particularly significant in the Spalding Conservation Area Appraisal. The Sessions House is also situated in a wide plot so that its sides and frontage are visible when walking along the Crescent through the Sheep Market and along Victoria Street.
- 7.33 The Police Station was also intended to be seen from the East, but is set back so as to be less prominent than the Sessions House, reflecting Victorian ideas about the respective statuses of the police and judiciary. However, this set back location means that the Police Station is only

publically visible from the Crescent and in views across this site from Spring Gardens. It has been demonstrated in the Design & Access Statement's visualisations that views across the site to the Police Station will be maintained, with the width of new building minimised in order to achieve this.

7.34 Therefore, particularly given that the site at present is a break in the street scene that detracts from the Conservation Area, and that glimpsed views (as expected in an urban environment like this) will be maintained towards the Police Station, it is felt that these proposals will not harm the setting of these Listed Buildings leading to a loss of significance.

7.35 Historic England raise no objections to the scheme.

7.36 The development is considered to be compliant with Policy 29 of South East Lincolnshire Local Plan and national guidance in the NPPF (2019).

7.37 Parking

7.38 The proposals include no parking, the site is 'car free' in this scheme and the zero parking on site is felt to be acceptable due to the town centre location and type of accommodation. Secure cycle parking is to be provided.

Highways have raised no objection to the parking allowance.

7.39 Agent's Response to objections

7.40 "We write as the Agent on the above application in response to the objections received in relation to the application. Generally the objections seem to relate to one or all of the following:

1. The scheme does not propose any resident parking.
2. The scheme proposes limited outdoor space.
3. The proposed scheme affects views of the Listed Buildings of the Sessions House and the former Police Station, from Spring Gardens.
4. The contemporary design of the proposed new apartments building.
5. The proposed refuse storage area and refuse collection strategy.
6. The impact of the scheme on neighbouring amenity.

Response:

The proposed scheme will provide much needed affordable housing for Spalding and the wider UK. The proposed accommodation targets those on lower incomes and those requiring an element of supported living. According to recent research by Shelter, more than three million new social homes are required to solve Britain's housing crisis. Kate Henderson (chief executive of the National Housing Federation) stated that "The housing crisis is chronic. It affects every single part of the country from coastal communities to rural villages to many of our inner-city areas".

The following should be read as a summary response. Please refer to the submitted Design & Access Statement and Heritage Statement for more detailed discussion.

In response to objections relating to parking:

The site is immediately adjacent Spalding town centre in a central urban location, benefitting from all the sustainable means of public transport offered by the town. The proposed scheme is targeted towards residents of low income for which car ownership is not generally a priority. The scheme proposes secure cycle parking. Given these considerations it is suggested that the proposed development would have negligible or no impact on traffic issues in the immediate and wider context and approving the scheme would enforce the Council's commitment to sustainable development, and the use of sustainable means of transport, while being in-keeping with the likely strategic future role of Spalding as a Main Town. Lincolnshire County Council Highways have not objected to the proposed development.

In response to objections relating to the lack of outside space:

The site is a town centre brownfield site where space is of a premium and residential densities need to be increased nationally to meet rising housing needs. The area inside the site boundary

is approximately 1,050m<sup>2</sup>. The footprint of the existing building following the proposed alterations (as proposed) is approximately 298m<sup>2</sup> and the footprint of the proposed new apartment building is approximately 250m<sup>2</sup>. Therefore, the area of site to remain as external space is approximately 502m<sup>2</sup> or 47% of the site. Given these considerations it is suggested that the amount of external space to be retained is actually relatively high for a central urban site.

In response to the effect of the scheme on views on the adjacent Listed Buildings:  
Please refer to the submitted Design & Access Statement including Heritage Statement. The Sessions House was designed to face and dominate the public external space of the Sheep Market. Views of the building from Spring Gardens are of the less significant side elevation. The Police Station was originally intended to be seen from the east and glimpsed views of this building will be retained between the existing and proposed buildings on the site. The proposed new apartment building has been sized and located to allow for retention of these views.

In response to concerns associated with contemporary design of the new apartment building:  
The proposed design has been developed in consultation with the South Holland District Council's Planning and Conservation Officers and is fundamentally the same scheme discussed with the Council at pre-application stage. The design respects the character of the conservation area in terms of scale and massing, and facade treatment takes account of and references the neighbouring buildings (particularly the existing building / heritage asset on the site) in terms of proportions articulation and alignment. It is considered that the proposed building responds sensitively to its historic setting. The final material selection will be 'managed' by the Local Planning Authority through the application of relevant conditions.

In response to the proposed refuse storage area and refuse collection strategy:  
The proposed scheme includes a bin storage area to the rear of the site. This is the most suitable location for refuse storage out of visibility from the street and neighbouring properties. It is proposed that a management plan for the areas of communal space including the refuse storage area is developed following a grant of Planning Permission.

In response to the impact of the scheme on neighbouring amenity:  
The proposed scheme for the existing building has been reduced through consultation with the Planning Officers and Conservation Officer to overcome concerns about overlooking of neighbouring properties. This has resulted in an improvement of the scheme (in neighbouring amenity terms) compared to the scheme which originally received positive feedback at pre-application stage. The revised / current proposal for the existing building will not impact on privacy and amenity of the occupiers of properties adjacent to the site.

The new four-storey building responds well to the size, scale and massing of the existing building. Its positioning on the site (north-east), the presence of the existing building to the south-west of the site and its distance to neighbouring properties mean it is not likely there would be any material overshadowing or loss of privacy to neighbouring properties. The proposed building is approximately 33m from the former Police Station to the rear. While the existing building on the site and the former Post Office sorting office may not be four-storeys, they are the approximate equivalent overall height to the proposed building. Therefore, the proposed building sits well in the street scene and improves the street scene of Spring Gardens by closing the existing gap which detracts from the Conservation Area."

## Conclusion

- 7.41 The development complies with local plan policy and the lack of a formally adopted 5 year housing land supply means that the guidance within the NPPF takes additional urgency and the development is considered to be sustainable in nature and to comply with NPPF guidance and will help deliver much needed housing.
- 7.42 Objections raised by adjacent property owners and users have been deliberated upon and addressed by the applicant who has taken a considered approach towards design and layout given the constraints that the site and adjacent areas present. This application is, on balance, and in light of the recommendations made by statutory consultees, acceptable in planning terms and the merits of a residential development on a site located within the settlement boundary, the role and function of Spalding as a Main Town and associated potential housing growth targets is considered sustainable and acceptable in line with Local Plan Policies.

## 8.0 RECOMMENDATIONS

- 8.1 **Authorised to Grant Permission subject to the applicant entering into a Section 106 agreement to secure affordable housing and a financial contribution towards healthcare provision and those Conditions listed at Section 9.0 of this report.**

## 9.0 CONDITIONS

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

18/2158/DAS.Rev.C  
18/2158/(22)/102B  
18/2158/(02)/003D  
18/2158/(22)/103B  
18/2158/(90)/001C  
18/2158/(02)/004D  
18/2158/(22)/101A  
18/2158/(22)/100A

Flood Risk Assessment Ref: 18.4888/FRA01 Rev: A of June 2018

18/2158/LP/001

Archaeological Evaluation Report. Report Number: AAL 2018182 of December 2018

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. This scheme should include the following and should be in accordance with the archaeological brief supplied by the Lincolnshire County Council Historic Environment advisor on behalf of the Local Planning Authority:

1. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
  2. A methodology and timetable of site investigation and recording including the existing building.
  3. Provision for site analysis
  4. Provision for publication and dissemination of analysis and records
  5. Provision for archive deposition
  6. Nomination of a competent person/organisation to undertake the work
  7. The scheme to be in accordance with the Lincolnshire Archaeological Handbook.
- The archaeological site work shall only be undertaken in accordance with the approved written scheme.

Reason: To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2019. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

4. The applicant shall notify the Lincolnshire County Council Historic Environment Department in writing of the intention to commence at least fourteen days before the start of archaeological work required in connection with Condition 3 above in order to facilitate adequate monitoring arrangements.

Reason: To ensure satisfactory archaeological investigation and retrieval of archaeological finds in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

5. A copy of the final report required in connection with Condition 3 above shall be submitted within three months of the work being carried out to the Local Planning Authority and the Lincolnshire Historic Environment Record. The material and paper archive required as part of the written scheme of investigation shall be deposited with an appropriate archive in accordance with guidelines published in The Lincolnshire Archaeological Handbook.

Reason: To ensure satisfactory arrangements are made for the recording of possible archaeological remains in accordance with national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

6. A detailed scheme of construction management to minimise disturbance during the construction process through noise, dust, vibration and smoke shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the construction process shall be carried out in accordance with the scheme so approved. It shall also include a method statement, detailing how construction traffic, site personnel vehicles, materials deliveries and site accommodation will be managed to safeguard highway safety, free passage along Broad Street and residential amenity.

Reason: In the interests of the amenity of local residents. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policies SG14 and SG17 of the South Holland Local Plan, 2006.

7. Before development commences on site further details relating to the improvement of the existing vehicular access to the public highway, including materials, specification of works and construction method shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented on site before the development is first brought into use and thereafter retained at all times.

In the interest of safety of the users of the public highway and the safety of the users of the site.

8. The development hereby permitted shall not be commenced until a scheme to deal with any contamination of land or pollution of controlled waters has been submitted to and approved in writing by the Local Planning Authority (LPA) and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures:
- i) a desk-top study carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.
  - ii) if identified as being required following the completion of the desk-top study, a site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the LPA without delay upon completion.
  - iii) thereafter, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved in writing by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing by the LPA.
  - iv) two full copies of a full closure report shall be submitted to and approved in writing by the LPA. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

#### Note

The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A.

The applicant's attention is also drawn to the document entitled "Developing Land Within Lincolnshire - A guide to submitting planning applications to develop land that may be contaminated", which can be obtained through the Local Environmental Health Department.

Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policy SG13 of the South Holland Local Plan, 2006.

9. Details of the means of storage and disposal of refuse and recycling shall be submitted to and be approved by the Local Planning Authority and the development shall not commence in advance of that approval. The approved scheme shall be fully implemented before the occupation and shall thereafter be retained.

Reason: To ensure that adequate facilities are made available for refuse storage and disposal to avoid pollution, to protect residential amenity, and in the interests of the appearance of the site and the area within which it is set. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.

This Condition is imposed in accordance with Policies SG13 and SG17 of the South Holland Local Plan, 2006.

10. A management plan for the areas of communal space including the refuse storage area including management responsibilities and maintenance schedules, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted beyond oversight. The management of these areas shall be carried out in accordance with the details so approved.

Reason: To ensure that adequate provision is made available for the occupiers of the development hereby permitted and that provision is made for the management and maintenance of the communal and refuse areas.

This Condition is imposed in accordance with Policies SG14 of the South Holland Local Plan 2006.

11. The development hereby permitted shall be carried out in accordance with the measures set out in the Flood Risk Assessment submitted with the application.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason To reduce the risk of flooding to the proposed development and future occupants. This Condition is imposed in accordance with national guidance contained in the National Planning Policy Framework, 2019.

12. No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason

To prevent environmental and amenity problems arising from flooding.

This Condition is imposed in accordance with Policies SG11 and SG13 of the South Holland Local Plan, 2006 and national guidance contained in the National Planning Policy Framework, 2019.

13. No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason

To prevent environmental and amenity problems arising from flooding.

This Condition is imposed in accordance with Policies SG11 and SG13 of the South Holland Local Plan, 2006 and national guidance contained in the National Planning Policy Framework, 2019.

14. Before the commencement of the development hereby permitted beyond oversight, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of twelve months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Note: The applicant is recommended to employ a qualified and experienced landscape designer to produce a landscaping scheme for the development.

Reason: To ensure that the development is adequately landscaped, in the interests of its visual amenity and that of the area in which it is set.

This Condition is imposed in accordance with Policy SG18 of the South Holland Local Plan, 2006.

15. Prior to its installation, details of the proposed boundary treatment, including a schedule of materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set.

This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006.

16. Before the commencement of the development hereby permitted beyond oversight a schedule of external materials of construction of buildings and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the materials so approved.

Reason: To ensure that the Local Planning Authority retains control over the external materials of construction of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.

This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006 and national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

17. Details of the design of all external doors and door frames to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Such details shall indicate, at a scale of not less than 1:10, the longitudinal and cross-sectional detailing (including reveals), threshold and lintol detailing, and means of opening. The doors and door frames shall be installed in accordance with the approved details and thereafter so maintained.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.

This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006 and national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

18. Details of the window frames to be utilised in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Such details shall indicate, at a scale of not less than 1:10, the longitudinal and cross-sectional detailing (including reveals), cill and lintol detailing, and means of opening. The window frames shall be installed in accordance with the approved details and thereafter so maintained.

Reason: To ensure that the Local Planning Authority retains control over these details of the development in the interests of the appearance of the development, and the character and visual amenity of this part of the Conservation Area in which it is set.

This Condition is imposed in accordance with Policy SG14 of the South Holland Local Plan, 2006 and national guidance contained in Section 16 of the National Planning Policy Framework, 2019.

19. 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, and subsequently determining to grant planning permission.

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

20. This planning permission is subject to an Agreement under Section 106 of the Town & Country Planning Act 1990 dated \*\*\*\*\* and can only be implemented as a consequence of meeting the provisions of that Agreement

21. The permitted development requires the formation of a new/amended vehicular access. Applicants should note the provisions of Section 184 of the Highways Act 1980. The works should be constructed to the satisfaction of the Highway Authority in accordance with the Authority's specification that is current at the time of construction. For further information, please telephone 01522 782070 or e-mail [developmentmanagement@lincolnshire.gov.uk](mailto:developmentmanagement@lincolnshire.gov.uk).
22. Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works.

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Background papers:- Planning Application Working File

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**Lead Contact Officer**

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Email [rfdler@sholland.gov.uk](mailto:rfdler@sholland.gov.uk)

**Appendices attached to this report:**

Appendix A                      Plan A

# MapThat Scale Print Title

