DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H11-0393-20**	**Applicant:**	**OXF Architects**
Proposal:	Erection of 2 bed house		
Location:	London Road Long Sutton Spalding		
Terminal Date:	4th August 2020		

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
11	Distribution of New Housing
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 11, 12, 14 and 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
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	0	0	1	0
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a 2 bed house. The proposal is a re-submission following a previous refusal for a 3 bed house (ref. H11-0782-17).

Site Description

The site lies behind a rendered front boundary wall and alongside 19 London Road (bungalow) to the north-west.

A residential complex/nursing home and a park are situated to the rear (east). An electric substation is located to the south-east and grade II listed buildings (Adderley House stable block and Adderley House itself) beyond that. The site is within Long Sutton Conservation Area.

Relevant Site History

H11-0782-17 - Full - Proposed two-storey 3-bed house - Refused 17 November 2017

Reason: The proposed development by virtue of its height, scale and massing would have significantly adverse impacts on the residential amenities of the adjacent occupiers to the north of the site resulting in an overbearing and oppressive affect upon the outlook, privacy and enjoyment of the adjoining land. Therefore, the proposals are contrary to Policies SG1, SG14 and SG17 of the South Holland Local Plan 2006 and national guidance contained in Section 7 of the National Planning Policy Framework 2012.

Dismissed on appeal 8 August 2018.

Consultation Responses

Long Sutton Parish Council

No response received.

LCC Highways

Does not wish to restrict the grant of permission.

Environmental Protection

No comments or objections.

LCC Archaeology

The revised heritage impact assessment is acceptable. Would have preferred a more traditional property but note that the Inspector has indicated that it would not harm the conservation area. Request archaeological conditions.

Public

Objection received on grounds of blockage of natural light

Planning considerations

The main issues are:
- Policy/principle;
- Character and appearance, including the effect of the development upon the character/appearance of Long Sutton Conservation Area and the setting of nearby listed buildings;
- The likely affect upon the amenity of nearby residents;
- Highway safety;
- Other material considerations, including flood risk.

Policy/principle

In accordance with Section 38(6) of the Town and Country Planning Act, as amended by the 2004 Act, the determination must be made in accordance with the development plan, unless material considerations indicate otherwise.

The site is inside Long Sutton Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 indicates that within the settlement boundaries of the Main Service Centres, including Long Sutton, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. The proposal is in accordance with this policy.

Character/appearance

The site sits within a residential area and the appearance and character of the overall residential area is generally traditional, with a mixture of two and one storey brick and rendered 19th century properties with pitched and gabled roofs.

The application includes the demolition of the existing front and side wall (alongside the substation) and construction of a new 2 bed house. It is a modern interpretation of a traditional 19th century property and would be constructed in red brickwork with a rendered first floor and double glazed polyester powder coated aluminium windows (light grey). The roof would be constructed in eternit slate tiles.

The previous application (ref. H11-0782-17) was for a similar contemporary design, albeit of increased scale, height and massing. Whilst a more traditional property may be more appropriate upon the site the Inspector previously took the view that "the character of the surrounding area is residential with an eclectic mix of architectural styles in the immediate vicinity comprising two-storey buildings and bungalows, and detached properties and short terraces. To the rear of the site is a large area of open land used as a sports field with a vehicular entrance to the fields and a pavilion building a short distance away on London Road. While there is an eclectic mix of styles and materials, buildings are predominantly of a traditional style with dual-pitched slate or pantile roofs and elevations built of brick or stone with some walls rendered. The style of the proposed building would match the prevailing pattern of development and some more modern elements of its design would be complementary to the overall appearance of the area."

The Inspector went on to conclude that "the proposed development would have no harmful effect on the character or appearance of the Conservation Area". Nor would the proposal affect the setting of nearby listed buildings to the south-east. The proposal therefore satisfactorily complies with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019.

Amenity

The site is alongside no. 19 London Road (bungalow) to the north-west, which has two habitable windows facing the site towards the rear.

The previous appeal was dismissed on grounds that the juxtaposition of the buildings and the relative height differences would create an overbearing sense of enclosure that would be unacceptably detrimental to the living conditions of the occupiers of No. 19. The close proximity and orientation of the buildings would also be likely to result in significant harmful overshadowing and loss of direct light to the habitable windows in the flank wall of No. 19.

The main concern in respect of the previous application was essentially the height, massing and proximity to the common boundary of the rear two storey element. This has now been omitted and replaced by a smaller single storey flat roof projection. The overall height and massing of the property has also been reduced. The north-western elevation is blank. The principle element would be some 0.85m from the common boundary and the rear projection approximately 1.4m. Whilst there would be some blockage of direct light to the neighbouring property it is no longer considered to be such as to justify refusal.

The site is higher than neighbouring land to the north-west. However, the western elevation is blank. Patio doors are located at the rear and bathroom and landing windows at first floor level. Any overlooking from this elevation would be oblique, plus 1.8 metre high fencing is proposed along the common boundary to alleviate overlooking/privacy issues. A 2.2 metre high brick wall is proposed along the south eastern boundary adjoining the small electricity sub-station.

It is considered that the current scheme would not materially harm the amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. The proposal is therefore in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in terms of amenity.

Highway safety

2 parking spaces have been provided on site. The County Highways Authority does not wish to restrict the grant of permission on highway safety grounds. The proposal is therefore in accordance with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019, in this respect.

The site is within Flood Zone 3 of the Environment Agency's Flood Maps. However, it is within an area of "no hazard" within the South East Lincolnshire Strategic Flood Risk Assessment (2017). Consequently, the proposal passes the sequential test.

In terms of the exceptions test, 300mm FFLs are recommended, the Environment Agency has previously recommended conditions in line with the details and mitigation measures contained with the FRA by SM Hemmings. It states that finished floor levels to be set no lower than 4.30AOD which is approximately 180mm above existing ground level.

LCC Archaeology nor consider the revised heritage impact assessment to be acceptable and recommend an archaeological scheme of works condition(s).

Conclusion

The proposal is in accordance with Policies 1, 2, 3, 4, 29 and 36 of the South East Lincolnshire Local Plan, 2019. Although the proposal may have some impact upon the amenity of neighbouring residents it is no longer considered to be significant and is outweighed by other factors in favour of the scheme.

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.