

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H11-0508-20 **Applicant:** Mr S Portass
Proposal: Proposed residential development comprising 4 dwellings
Location: Rear Of 15, 17 & 19 Market Street Long Sutton Spalding
Terminal Date: 27th 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
10	Meeting Assessed Housing Requirements
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
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC	0	0	0	1

ENVIRONMENT OFFICER				
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	2	2	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for 4 dwellings.

It should be noted that planning permission was granted to demolish a workshop and erect an accommodation block containing 6 bedrooms in association with the Granary Hotel and Public House in 2014 (ref. H11-0275-14). The workshop was demolished in 2014 and work was subsequently commenced on the foundations of the new development.

Site Description

The site is located to the rear of nos. 15-19 Market Street and was formerly occupied by a late-Victorian timber frame workshop. It is within Long Sutton Conservation Area.

Nos. 15-19 Market Street (shops) are situated to the north-east, including rear external staircases to first/second floor accommodation. A residential property is located to the north-west, which has a door and side window facing the site, and No 21 Market St (grade II listed) beyond. Supported housing is situated to the south-east and a terrace to the south-west fronting Bull Lane.

Recent History

H11-0069-11 - Full - Renovation of ground floor shops and upper floor apartments - Granted 15 April 2011

H11-0275-14 - Full - Demolition of existing workshop and erection of accommodation block containing 6 bedrooms, and detached building containing 1 bedroom - Granted 3 June 2014

H11-0767-14 - C/C - Details of archaeological recording report and contamination - Approved 27 November 2014

H11-0768-14 - C/C - Details of external materials, doors and windows and existing and proposed site levels and finished floor levels (Conditions 7, 8, 9 and 10 of H11-0275-14) - Approved 2 February 2014

Consultation Responses

Long Sutton Parish Council - No response received.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

SHDC Environmental Protection - Request contaminated land condition.

Environment Agency - Request flood risk mitigation conditions.

LCC Archaeology - Concerns re: Heritage Impact Assessment.

Public - Objections/comments received (summarised):

Unsympathetic in terms of design and materials; Buildings higher than previously approved scheme; Includes roof lights; Overlooking/lack of privacy; Concerns re: height of boundary wall; Overshadowing; Noise/disturbance during construction stage and also from vehicles and residents; Pollution; Access narrow and unsuitable for vehicles; Applicant has agreed to repair boundary fence.

Planning Considerations

The main issues in this case are:

1. Policy/principle;
2. Character/appearance/heritage issues;
3. The likely effect of the development upon the amenity of neighbouring residents;
4. Parking Issues/highway safety;
5. Flood Risk.

Policy/principle

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 inside Long Sutton Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) indicates that within 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 to meet the service needs of other local communities. No objections are therefore raised in locational terms.

Character/appearance/heritage

The site is within Long Sutton Conservation Area and close to a number of designated and non-designated assets, including no. 21 Market Street, which is grade II listed. Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019 are therefore applicable.

The design of the original scheme (ref. H11-0275-14) reflected the industrial character of the former timber workshop, which was subservient to the principle buildings facing Market Street to which it related. It was to be constructed in a combination of brickwork and grey painted timber shiplap boarding effect cladding, with timber doors and windows. The buildings now proposed are higher and more standard in terms of appearance. They would be constructed in brickwork with windows and doors of UPVC in modern forms, and Juliette balconies, giving the appearance of a modern terrace rather than a converted historic workshop. It is considered that the proposed scheme, by virtue of its scale, form, detailing and materials, would harm the character/appearance of Long Sutton Conservation Area and also the setting of nearby designated and non-designated heritage assets, including no. 21 Market Street to the north, which is grade II listed.

The proposal is therefore considered to be in conflict with Policies 2, 3 and 29 of the SELLP. Policies 2 and 3 indicate that new development should have a satisfactory relationship to existing development and respect the character of the area. Policy 29 indicates that proposals should preserve or enhance the character/appearance of conservation areas and the setting of listed buildings.

Amenity

Nos. 15-19 Market Street (shops) are situated to the north-east, including rear external staircases to first/second floor accommodation. A residential property is located to the north-west, which has a door and side window facing the site, and No 21 Market St (grade II listed) beyond. Supported housing is situated to the south-east and a terrace to the south-west fronting Bull Lane.

The proposed properties have blank elevations facing south and west, other than high level rooflights. The amenity of existing residents to the north-west and south-west would not therefore be materially harmed in terms of overlooking/lack of privacy, subject to appropriate boundary screening.

The site is approximately 700mm lower than neighbouring ground level to the south-east. The proposed dwellings have first floor bedrooms facing east at a distance of less than 6 metres from the neighbouring boundary. In respect of the previous scheme, it was recommended that an existing wall along the eastern boundary be increased in height from 2.1 metres to 3.3 metres on the neighbours side to protect the amenity of residents within supported housing to the south-east. This would be of sufficient height to protect the privacy of neighbouring residents in respect of the current scheme. It is therefore considered that the development would not have a significant adverse impact on adjacent residential amenity by reason of overlooking/lack of privacy.

The main block would sit on the same footprint as the former two-storey workshop, albeit being longer than that building. That additional length would overshadow a footpath, side entrance door and kitchen window in the gable of the property immediately to the north-west of the application site, primarily during the morning. In respect of the previous application (ref. H11-0275-14), the view was taken that the overshadowing would not be so harmful to the amenity of that property that permission should be refused on that ground. However, the buildings have now been increased in height, which would have a greater impact upon the neighbouring property in terms of overbearing effect and overshadowing.

Moreover, each dwelling would have no or very little private external amenity space and would have shared access facilities with occupants of nos 15-19 Market Street to the north.

The proposal is therefore in conflict with Policies 2 and 3 of the SELLP. They indicate that new development should be of high quality in terms of design and layout and have a satisfactory impact upon existing residents.

Concerns have been raised on grounds of potential noise and disturbance during the construction stage and also by vehicles and residents. However, the site is in a town centre location where ambient noise levels are relatively high. Moreover, the site already has permission for an accommodation block (ref. H11-0275-14). Taking into account these factors it is considered that there is not sufficient reason to refuse the application on grounds of noise/disturbance.

Highway safety

No on site parking facilities are indicated shown on the submitted drawings. The proposal does not therefore comply with Policy 36 of the South East Lincolnshire Local Plan. However, on street parking facilities are available nearby and the site is within Long Sutton town centre and on a public transport route for those without a motor vehicle. The County Highways Authority has raised no objections on highway safety grounds.

Flood Risk

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken. The Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

The Environment Agency's Flood Maps have been created as a tool to raise awareness of flood risk with the public and partner organisations, such as Local Authorities, Emergency Services and Drainage Authorities. The Maps do not take into account any flood defences. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth Maps) within the South East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The SFRA indicates that the site is located within an area identified as "Danger for Most". However, there are not reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding. In this respect, the Authority views reasonably available sites as those that are deliverable and developable (as defined by the National Planning Policy Framework) for the use proposed within the area, can accommodate the general requirements of the development and are, in principle, in conformity with the objectives and advice within the NPPF and its associated National Planning Practice Guidance relating to sustainable development and flood risk.

It is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding. The exceptions test should therefore be applied. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The NPPF and the PPG set out two elements to the Exceptions Test.

First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, it is considered that the proposal would not provide wider sustainability benefits that would outweigh flood risk due to the environmental harm that it would cause in terms of its effect upon the character/appearance of the conservation area, setting of designated and non-designated heritage assets and also residential amenity. The proposal is not therefore in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, 2019.

Conclusion

The design of the previously approved scheme (ref. H11-0275-14) reflected the industrial character of the former timber workshop, which was subservient to the principle buildings facing Market Street to which it related. The buildings now proposed are higher and more standard in terms of appearance, giving the appearance of a modern terrace rather than a converted historic workshop. It is considered that the proposed scheme, by virtue of its scale, form, detailing and materials, would harm the character/appearance of Long Sutton Conservation Area and also the setting of nearby designated and non-designated heritage assets, including no. 21 Market Street to the north, which is grade II listed.

Also, the proposal would constitute a form of overdevelopment. Each dwelling would have no or very little private external amenity space, along with shared access facilities with occupants of nos 15-19 Market Street to the north. Moreover, the increased height and scale of the development would be such that it would have a greater impact upon the neighbouring property to the north-west in terms of overbearing effect and overshadowing.

The proposal is therefore in conflict with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan, 2019. Policies 2 and 3 indicate that new development should have a satisfactory relationship to existing development and respect the character/appearance of the area. It should also be of high quality in terms of design and layout and have a satisfactory impact upon existing residents. Policy 29 indicates that proposals should preserve or enhance the character/appearance of conservation areas and the setting of listed buildings.

These policies are in accordance with advice within the National Planning Policy Framework, 2019. For example, paragraph 127 indicates that planning policies and decisions should ensure that new development should add to and be sympathetic to the local area and have a high standard of amenity for existing and future users.

In terms of flood risk, it is considered that the proposal fails the exception test because it would not provide wider sustainability benefits that would outweigh flood risk due to the environmental harm that it would cause in terms of its effect upon the character/appearance of the conservation area, setting of designated and non-designated heritage assets and also residential amenity. The proposal is not therefore in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, 2019.

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.