DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H11-0558-22**	**Applicant:**	**Mockba Modular**
Proposal:	Proposed single dwelling with associated parking		
Location:	Rear Of The Olde Ship Inn 89 London Road Long Sutton		
Terminal Date:	21st November 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
28	The Natural Environment
29	The Historic Environment
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 2 - Achieving sustainable development
Section 3 - Plan Making
Section 4 - Decision making
Section 5 - Delivering a sufficient supply of homes
Section 11 - Making effective use of land
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

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	1
PLANNING LIAISON OFFICER - FLOOD RISK	0	0	0	1

ASSESSMENT				
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	2
RESIDENTS	1	0	1	0

CASE OFFICER ASSESSMENT

PROPOSAL

The application seeks outline planning permission for a single storey dwelling with matters including access, appearance, layout and scale. The dwelling would comprise 3no bedrooms 1 bathroom and an open plan kitchen/dining/lounge area.

The dwelling would be constructed from a grey britmet roof, black guttering, grey fascia's, grey upvc door/windows and the walls would have a white render finish.

It should be noted that the plans have been amended as the original scheme was not considered acceptable.

SITE DESCRIPTION

The application site is located to the rear of 'The Ship Inn', a public house located on London Road in Long Sutton. To the rear of the public house is a large public car park, which forms the application site. The Ship Inn is an unlisted non-designated heritage asset. A Grade II listed building is located to the west of the application site at no.2 Roman Bank. Access to the site is via a private drive between no.87 London Road and no.89 London Road (The Old Ship Inn). The immediate area is primarily residential comprising dwellings of various ages, size and designs.

RELEVANT HISTORY

H11-1010-21 - Outline permission for one dwelling - Approved

H11-1127-16 - Extension and alterations (retrospective) - Approved

H11-0184-13 - Proposed frontage wall - Approved

H11-0062-08 - Proposed ground floor extension to rear - Approved

H11-1432-07 - Ground floor extension to restaurant - withdrawn

REPRESENTATIONS

Long Sutton Parish Council

Objection due to loss of parking for the pub and that the proposed dwelling would not be in-keeping with the local area.

Cllr Jack Tyrrell

No objections to the revised proposal therefore it does not need to be called in.

LCC Highways/SUDs

Does not wish to restrict the grant of permission.

Environmental Protection

No objections but request a standard land contamination condition.

LCC Historic Environment Officer

No archaeological impact.

SHDC Conservation Officer

No objections given the single-storey nature and general scale and massing of the proposed development, as well as the width of the adjacent listed property's curtilage, it is not considered that this application would risk harming the character or values of the adjacent heritage asset.

Environment Agency

This proposal comes under your local flood risk standing advice and does not meet any other criteria on our consultation checklist.

South Holland Internal Drainage Board

If (following testing) a strategy wholly reliant on infiltration is not viable and a surface/foul water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). If there are any riparian owned/maintained watercourses within or adjacent to the site boundary and the proposals involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Residents

2no letters of objection have been received siting the following concerns:

·The proposed dwelling is very close to the shared boundary with no.2 Roman Bank
·The west facing bathroom window should be obscure glazed and the rear north facing patio doors should be of reflective film to avoid overlooking
·Close proximity of the dwelling to no.4 Roman Bank
·Overshadowing and loss of privacy to no.4 Roman Bank
·Noise and dust during construction

PLANNING CONSIDERATIONS

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 the 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 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. No objections are therefore raised on locational grounds. In addition the site has outline planning permission for one dwelling on this plot therefore there are no objections in principle.

Impact on adjacent listed building

Paragraph 197 of the NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Policy 29 of the SELLP states that development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets including conservation areas.

A local resident has objected to the proposal on grounds that the proposed dwelling would be sited close to the adjacent listed building at no.2 Roman Bank. The concerns are noted, however, the Council's Conservation Officer has not raised any objections to the proposed scheme from a conservation perspective and has advised that whilst the site in question is adjacent to a Grade II listed property, given the single-storey nature and general scale and massing of the proposed development, as well as the width of the adjacent listed property's curtilage, it is not considered that this application would risk harming the character or values of the adjacent heritage asset.

As such the proposal is considered acceptable in terms of its impact on the adjacent listed building and therefore accords with Policy 29 of the SELLP and the NPPF.

Character and appearance

Policies 2 and 3 of the SELLP 2019 amongst other matters seek to ensure that development respects the character and appearance of the area and the relationship to existing development and land uses. They are consistent with advice within the National Planning Policy Framework (NPPF), 2021. Paragraph 130 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting.

Cllr Tyrrell initially objected to the scheme on grounds of overdevelopment of the site but has not raised any objections to the current scheme which proposes a single dwelling on the site.

Long Sutton Parish Council has objected to the scheme on grounds that's the proposed dwelling would not be in-keeping with the local area. The concerns are noted and discussed further below.

The initial scheme submitted was considered to result in overdevelopment of this modest sized site. As such the plans have been amended and now propose a single dwelling. The current scheme is considered appropriate for the site, providing sufficient outdoor amenity space and is more in keeping with other plot sizes in the area.

The proposed development would be backland in nature. Ordinarily backland development is discouraged, however there are examples nearby of residential development located to the rear of frontage properties in the immediate vicinity. As such the siting of the proposed dwelling is considered acceptable.

The proposed design and materials are considered acceptable for the site and the immediate area is characterised by a mixture of materials and dwelling types, including both detached and semi-detached houses and bungalows. Spacing is also varied. Whilst some properties are on relatively spacious plots others are closer together. On balance, it is considered that a single dwelling could be accommodated in this location without materially harming the character or appearance of the immediate area.

Landscaping details will be submitted at a later stage under a reserved matters application.

Taking all these factors into account it is considered, on balance, that the proposed dwelling on this site would not materially harm the character or appearance of the locality and would therefore satisfactorily comply with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and the NPPF in this respect.

Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

2no letters of objection have been received from nearby neighbours siting concerns of the proposed dwelling being located very close to the shared boundary with no.2 Roman Bank, overlooking from the west facing window and rear patio doors, close proximity of the dwelling to no.4 Roman Bank, overshadowing and loss of privacy to no.4 Roman Bank and noise and dust during construction. The concerns are noted and discussed below.

The closest neighbours to the proposed development are no's 2, 4 and 6a Roman Bank. The proposed dwelling would be sited approximately 8.2 metres from no.6a Roman Bank and 10.2 metres from no.4 Roman Bank. These separation distances are considered sufficient given the single storey design of the dwelling. No.4 has raised concerns of loss of privacy. The concerns are noted, and it is accepted that the proposed dwelling would have 2no windows and patio doors on the rear elevation facing this neighbour. However, it is considered that with adequate boundary treatments there would not be unacceptable levels of overlooking or loss of privacy. Full details of boundary treatments have not been submitted at this stage therefore a condition has been appended.

The proposed dwelling would be sited approximately 1.7 metres from no.2 Roman Bank. Although this is relatively close, given the relationship with the neighbour and the fact the proposed dwelling would be sited adjacent to this neighbours rear garden with the main house located at least a further 20 metres away it is not considered to result in any overbearing impact or unacceptable overshadowing. it is not considered that anu overlooking or loss of privacy would result from the west facing bathroom window and the north facing patio doors given they would be at ground floor level and there would not be any significant views over the 2 metre boundary wall along the western site boundary.

With regards to concerns of noise and dust during construction, this would only be for a temporary period therefore it could not reasonably be avoided. Given the small scale nature of the development it is not considered necessary to request a construction management plans to control this.

As such the proposed development is on balance considered acceptable in terms of its impact on neighbouring amenity and satisfactorily complies with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

Highway Safety

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

The Local Highways Authority initially requested further details to include a layout drawing with dimensions of the separate accesses in terms of width for both the existing Public House and the proposed new dwellings where they need to be 4.1 metres as a minimum for the first 10 metres to allow the safe passage of two-way vehicular movements. Subsequently amended plans were submitted.

Concerns have been raised by the Parish Council and a local councillor with regards to loss of parking for the pub. The concerns are noted, however, the Local Highways Authority has not raised any concerns in this respect. It has advised that although the proposal would result in a reduction in parking spaces to the existing car park for the public house, Lincolnshire County Council does not have adopted parking standards and considers each application on its own merits. Whilst it is possible that the public house may result in more parking demand than there are spaces, there is parking available on the highway in the vicinity and it is therefore not considered that this proposal would result in an unacceptable impact on highway safety.

Adequate provision of car parking has been made within the site for the proposed dwelling and turning space is shown to allow vehicles to enter and leave in a forward gear.

As such the proposal is considered to satisfactorily comply with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019 in terms of highway safety.

Flood Risk

The site lies within Flood Zone 3 defined by the Environment Agency Flood Maps. The 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 within an area identified as more vulnerable with a high probability of flooding. 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, sustainability issues within South East Lincolnshire are addressed within the South East Lincolnshire Local Plan, 2019. In this respect, the site is within Long Sutton settlement boundary, which is one of the largest settlements within the district. Development is needed in this area to sustain the existing community. The proposal scores positively against the aims and objectives of the Local Planning Authority's sustainability appraisal and would provide wider sustainability benefits to the community that outweigh flood risk. This includes the provision of additional sustainable housing within the district to meet the needs of the population, as required by the National Planning Policy Framework.

Concerning the second element, the Flood Risk Assessment accompanying the application recommends that the floor levels of the dwelling are +4.4m OD, 1.1 metres above surrounding ground level. All future occupiers of the property are also advised to register with the Environment Agency's Floodline Warnings Direct Service.

Subject to the above advice the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

Drainage

The applicant has indicated that foul water would be discharged to a foul sewer and surface water into a soakaway.

South Holland Internal Drainage Board has advised that since the applicant intends to dispose of surface water via infiltration (installation of soakaway) and the viability of this has not been evidenced, it is recommended that ground investigation is carried out to determine infiltration

potential, followed by testing in line with BRE Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy the applicant would be expected to discharge surface water to a watercourse.

There is a pond to the east of the proposed development, which is connected to the Board maintained watercourse, K43 Main Road - West (Drain ID: DRN201G4304), via a SHIDB pumping station. If the applicant proposes to discharge water to this pond, then consent may be required under byelaw 3. Please note that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

It is noted that the applicant intends to dispose of foul water to a main sewer. Should the applicants' proposals change to include the discharge of treated foul water to a watercourse, consent would be required under Byelaw 3.

The applicant should confirm if there are any riparian owned/maintained watercourses within or adjacent to the site boundary. Should the applicant's proposals include works to alter a watercourse, or if works are proposed to alter a watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

An informative has been attached to the planning permission notifying the applicant of the above.

Subject to the above it is not considered that the scheme would result in drainage issues.

Waste

No details have been submitted with regards to the storage/collection of waste associated with the proposed dwelling. In order 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, in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019 a condition is proposed requiring the submission of the means of storage and disposal of refuse and recycling, as well as appropriate management and maintenance. Reference should be made to the Council's published 'Private dives - waste vehicle collection service guidance notes' when submitting these details. The distance from London Road to the rear of the pub car park and drive for the proposed dwelling would be approximately 48 metres, so would exceed the advised maximum carry distance of 30 metres.

Other matters

Environmental protection has not raised any objections to the proposal but has requested a standard land contamination condition to be attached to the decision notice.

Planning Balance

The principle of developing the residential scheme is acceptable at such location given the site is within the settlement boundary with previous outline permission.

The proposal is in a sustainable location for new housing. It is considered, on balance, that a single dwelling would not materially harm the character or appearance of the locality, the adjacent listed building nor would the proposal materially harm the amenity of neighbouring residents in terms of lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. LCC Highways have been consulted and have raised no objections on highway safety grounds. The proposal satisfies the sequential/exceptions tests in terms of flood risk.

On balance, no adverse impact of granting permission would significantly and demonstrably outweigh the benefits of doing so, when assessed against the planning policies taken as a whole.

CONCLUSION

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.

Taking into account the above, this application complies with Policies 1, 2, 3, 4, 10, 11, 28, 29, 30

36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 3, 4, 5, 11, 12, 14 and 16 of National Planning Policy Framework (2021).

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.

RECOMMENDATION

That the application be approved under delegated powers.