DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H11-0665-21**	**Applicant:**	**Mr S Portass**
Proposal:	Residential Development - 3 dwellings - approved under H11-0827-20. Modification of Condition 1 to allow amendments to previously approved plans.		
Location:	Rear Of 15, 17 & 19 Market Street Long Sutton Spalding		
Terminal Date:	13th August 2021		

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
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPF 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	0	0	0	0
WARD MEMBER	0	0	0	0

RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Planning permission was granted for 2 no. 3 bed dwellings and 1 no. 1 bed dwelling in December 2020 (ref. H11-0827-20). This application is to alter the western boundary adjoining no. 19A Market Street.

It should be noted that the site has previously received planning permission to demolish a workshop and erect an accommodation block containing 6 bedrooms in association with the Granary Hotel and Public House (ref. H11-0275-14). Records appear to show that the workshop was demolished in 2014 and work was subsequently commenced on 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 (no. 19A Market Street) 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 (Nos 2a and 2b Bull Lane) is situated to the east and a 3 bed detached house is presently under construction to the south-east fronting Bull Lane (ref. H11-0759-19). A terrace is located 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 1bedroom - Granted 3 June 2020

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

H11-0508-20 - Full - Proposed residential development comprising 4 dwellings - Refused 26 August 2020.

H11-0827-20 - Full - Residential Development - 3 dwellings - re-submission of H11-0508-20 - Granted 8 December 2020.

H11-0093-21 - C/C - Details of external cladding, window frames, external doors and screening along southern and western boundaries (Conditions 3, 4, 5 and 10 of H11-0827-20) - Approved 23 March 2021

H11-0106-21 - C/C - Details relating to contamination (Condition 12 of H11-0827-20) - Approved 26 March 2021.

Consultation Responses

Long Sutton Parish Council - No response.

Public - Objections received (summarised):
Out of keeping with conservation area and nearby listed buildings; Harm amenity of neighbouring property which has its main entrance door at the side; Blockage of light; Fence would be on neighbouring property; Neighbour not been contacted concerning party wall agreement; Started development before getting permission;

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;
6. Pollution.

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.

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as quality of design, size, scale, layout density and impact on the character and appearance of an area and the relationship to existing development. Policy 3 stipulates that development should complement and enhance designated and non-designated heritage assets and respect the massing of neighbouring buildings. Policy 29 (The Historic Environment) suggests that proposals that do not preserve or enhance the setting of a listed building should not be supported.

The above policies are consistent with advice within the National Planning Policy Framework, 2021. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 indicates that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The design of the original scheme (ref. H11-0275-14) reflected the industrial character of the former timber workshop, which was subservient to the principal 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.

Unlike the previous refusal, the buildings now proposed are more subservient and would be constructed in a combination of black stained timber effect shiplap cladding and red brickwork (Audley Antique). The roofing material would be Sandtoft Britslate Countess Graphite and the window and door frames conservation grade "Residence 9" uPVC. It is considered that the revised scheme would be sympathetic and not harm the character/appearance of Long Sutton Conservation Area or 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 accordance with Policies 2, 3 and 29 of the SELLP.

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.

Nos. 15-19 Market Street (shops) are situated to the north-east, including rear external staircases to first/second floor accommodation. A residential property (No. 19A Market St) 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 (Nos 2a and 2b Bull Lane) is situated to the east and a 3 bed detached house is presently under construction to the south-east fronting Bull Lane (ref. H11-0759-19). A terrace is located to the south-west fronting Bull Lane.

The proposed properties have blank elevations facing south-west. The rear elevation of the northernmost two units is blank, whilst the southernmost unit has a kitchen window and door. All 3 units have high level rooflights on the rear elevation. Finished floor levels need to be raised to address flood risk. No. 19A Market St has a window on its south-eastern (side) elevation facing the site. Taking these factors into consideration, 2.1 metre closeboarded fencing with 300mm trellising above is proposed along the relevant sections of the southern and western boundaries. Such fencing would maintain the privacy of neighbouring residents to an acceptable degree without appearing overbearing. It is considered that the amenity of existing residents to the north-west and south would not therefore be materially harmed in terms of overlooking/lack of privacy, subject to boundary screening as proposed.

The site is approximately 700mm lower than neighbouring ground level to the south-east adjacent no. 2B Bull Lane. The proposed dwellings have first floor bedrooms facing east some 5.8 metres from the neighbouring boundary and floor levels would have to be raised to address flood risk. In respect of the previous approved 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 sufficient 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 more or less 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 (no. 19A Market St) to some extent, primarily during the morning. However, the view has previously been taken that the extent of overshadowing would not be so harmful to the amenity of that property that it would outweigh other factors in favour of the proposal and justify a refusal.

Whilst each dwelling would have limited external space, there would be sufficient for the storage of refuse, cycles, etc. This is not considered to be an overriding reason for refusal given that the proposal is an urban development and the fact that garden size is personal choice. There are no national recommended minimum standards on certain functional matters such as external amenity space, mainly because of the need to adopt a flexible approach to housing standards, and the amenity of future occupiers wouldn't be unduly compromised.

Issues have previously 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). Nevertheless, following concerns raised, the applicant has previously submitted a construction management plan which includes working hours, etc. This should be adhered to.

Concerns have also been raised by residents on health grounds. It is considered that this issue can be alleviated to a satisfactory degree by the imposition of conditions relating to boundary treatment, construction management, etc.

The proposal is therefore generally in accordance with Policies 2 and 3 of the SELLP, subject to appropriate conditions.

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.

Limited car parking is available on site which falls short of the requirement within Policy 36. 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 provide wider sustainability benefits that would outweigh flood risk.

In terms of the second element, the Environment Agency recommends that finished floor levels be set no lower than 540mm above existing ground level. This requirement has already been factored into the scheme. The proposal therefore satisfactorily complies with Policy 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, 2019.

Pollution

A Phase 1 desk top assessment was accepted by this Authority in 2014. Subsequently, the groundworks were completed at the site with no untoward (contaminated) ground conditions being encountered. The site was then left 'undisturbed and untouched ' for approximately 4 years to the present time.

The applicant decided to amend the layout by inclusion of "garden areas" and "shared amenity space" which comprise hard cover which will extend to all external areas (thus resulting in no 'soft' cover across the site) and will provide a permanent physical capping thus preventing exposure to underlying soils as far as the occupants/end users are concerned. Environmental Protection have previously raised no objections on this basis.

Other Matters

It has been indicated that a neighbour not been contacted concerning a party wall agreement. This is a civil matter that falls outside the remit of this application. Concerns have also been raised on grounds the applicant has commenced development prior to getting permission. This is not an offence and the current application has been submitted to regularise the situation, which is being assessed on its own merits.

Planning Balance

The site is in a sustainable location and the proposal would not materially harm the character or appearance of the locality or setting of nearby listed buildings. It is generally in accordance with Policies 1, 2, 3, 4, 11, 29 and 30 of the South East Lincolnshire Local Plan, 2019. Issues relating to amenity, health and car parking, etc are material considerations but are not sufficient in this case to indicate against the proposal and to outweigh factors in favour of the proposal, subject to safeguarding conditions.

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.

Conclusion

The planning balance is in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.