

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-0780-23 **Applicant:** Mr K Bunn
Proposal: Proposed conversion of dwelling into 1 new house and 2 new flats
Location: 12 Park Lane Long Sutton Spalding
Terminal Date: 1st November 2023

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
21	Houses in Multiple Occupation and the Sub-Division of Dwellings
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Chapter 8 - Promoting healthy and safe communities
Chapter 12 - Achieving well-designed places
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
Chapter 15 - Conserving and enhancing the natural environment

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS	0	0	0	1

SUPPORT				
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

The proposal relates to the conversion of a dwelling into 1 new house which is two storey and one bedroom, and 2 new flats with a gross internal floorspace of 50.4 square metres. The ground floor flat is proposed to be a two bedroom flat with a gross internal floorspace of 91.65 square metres. The first floor flat is proposed to be a four bedroom flat with an internal gross floorspace of 110 square metres. Five car parking spaces are proposed with separate small amenity areas with rear projecting gardens of 6 metres approximately.

The property at present is in a state of desrepair internally, with damage to the rear and side elevations of the property. The front of the property is a pleasing dwelling although has plastic windows.

Site Description

The site is situated on the south east of Park Lane in Long Sutton in a central location within the settlement boundary of Long Sutton. Listed buildings occur along High Street but the site is too far away to affect the setting of these listed buildings. This site is within the Long Sutton Conservation Area. The site is adjacent to the Garthwaite Memorial Masonic Hall, a large red bricked structure with banded brickwork.

The application premises is a two storey georgian pale beige bricked property, one portion double fronted and a further portion appearing as a substantial extension, with joins visible in the street scene. The property has prominent tall chimneys. The flank is of a different coloured brick. The rear is in a poor state of repair as windows have been ripped out and are missing. Floor joists have been removed in a substantial part of the property. It is unclear which parts were open internally.

Being situated close to the centre of Long Sutton the property appears to have been at some point a large family dwelling, opposite a block of terraced houses with bungalows further along. Long Sutton Motorcycles are on the opposite side of the road further down Park Lane. Adjacent to the application premises is a pair of semi-detached two storey brick dwellings.

Overall, the road is of a fairly dense, centrally located mixed environment, just off a busy high street. A small parade of shops exist along the high street emphasising that the site is relatively central to the settlement.

History

None

Consultation Responses

LCC Historic Places Team

The property is a large house with a late Georgian facade incorporating a period pedimented doorway and wooden sash windows. The positioning of the windows on the northern elevation suggests the facade is a later addition to an older building and while there is evidence of alterations in the 'modern' windows on the southern range and windows on the north elevation there is no evidence of extensive renovations, although an inspection of the property has not been made. From historic mapping the building appears relatively unchanged from at least the late 19th century. This is an historic building of early 19th century date or earlier, which reflects a period of affluence within the settlement of Long Sutton and can be considered a non-designated heritage asset.

The proposed alterations involve the replacement of windows with non-traditional materials as well as the blocking up of doorways and creation of new openings, notably replacing an original window with French windows. NPPF 2023, para 194 states: 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.' Para 203 states: 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.' It is recommended that the applicant is required to submit a heritage statement which will identify the significance of the historic building and how any alterations to the historic fabric will affect that significance. It is suggested that the statement should include some historical and cartographic research, to demonstrate the development of the building, as well as photographs of the buildings elevations an interior to illustrate any historic fabric to be altered. This will enable the effect on the historic character of the building to be determined and whether any form of mitigation is required

SHDC Environmental Protection Officer

No observations.

Local Highway Authority

No objection:

The subject property is already residential accommodation and so the proposed alterations to sub-divided it into three separate units would not be expected to have an unacceptable impact upon highway safety. The development includes five off-street car parking spaces to the rear of the site which are to be accessed via an existing gateway onto Park Lane. The Application Site is within convenient walking distance of the centre of town and Park Lane has a footway on the side which is opposite the Application Site. The occupation of the building in the manner proposed in this Application would not be expected to give rise to any unacceptable impact upon highway safety and therefore the highway authority does not wish to object to the grant of Consent for this Application.

Internal Drainage Board

Having screened the application, whilst the site in question lies within the Internal Drainage District of the South Holland Internal Drainage Board the proposed application does not meet our threshold for commenting as per our Planning and Byelaw Strategy. Therefore the Board has no comments to make.

Public

Two responses have been received which raise some or all of the following points:

-parking is so bad round here, if it goes ahead we need permit parking only, as people that work around the corner park outside our property all day, leaving us no where to park, it says they have parking, but can't see them parking behind there property as its very tight to drive in, you need to

swing your car, and as the road is narrow and busy, it's an accident waiting to happen, the noise while work is carried out is noisy and the dust, I have my car and windows cleaned (I live opposite) and the dust is so bad, I'm not happy with these flats going ahead

-7 bedrooms in the property, with a possible 14 vehicles and only 5 parking spaces. Area has very limited parking and is always congested. Last owner always parked on the road because he found it very difficult to get in and out of his drive due to the tight turning circle. Entrance dangerous. Bottleneck nearby. Park Lane should be made one way with 20 mph speed limit with parking permits for residents, it would make the road safer.

Planning Considerations

Principle and Sustainability

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

Policy 1 of the South East Lincolnshire Local Plan 2019 (SELLP) relates to the overall settlement hierarchy of the district and encourages development in more sustainable locations. The site is within the defined settlement boundary of Long Sutton which is designated as a Main Service Centre. Within the settlement boundaries of the Main Service Centres, development is 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. There is no objection to housing in principle within the settlement boundary and as a result there is no conflict with Policy 1 of the SELLP.

Size, Scale, Layout and Design

Policy 2 of the SELLP states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to, amongst other things, size, scale, layout, density, impact on amenity, character and appearance of the area and the relationship and impact on existing development and neighbouring land uses, the quality of design, access and vehicle generation level and visual intrusion.

Policy 3 of the SELLP requires all development to create distinctive places, with inclusive design and layout, be sensitive to the landscape character, and take into account residential amenity.

Both Policy 2 and 3 relate in design terms to Policy 21 which specifically applies to this type of development.

Policy 21 relates to houses in multiple occupation and the sub-division of large dwellings. It should be noted that the application premises was a prominent large dwelling within the Conservation Area on a reasonable plot, centrally located with a prominent frontage.

The subdivision of dwellings according to Policy 21 will be permitted provided that it would not result in the loss of family sized dwellings in high density residential streets of predominantly terraced and/or semi-detached properties, it would not significantly harm the amenities of the occupiers of adjoining or neighbouring properties by way of noise, overlooking, general disturbance or impact on visual amenity, it would not have a significant adverse impact on the character and appearance of the area, including the historic and natural environment, that adequate provision is made for the storage and disposal of refuse and recycling, it would not have a significant adverse impact on the surrounding area by way of increased on-street parking, impaired highway safety or by impeding proper access to the area, and that the site has good access, by walking and cycling to community facilities, services, public transport and location employment.

In terms of the overall subdivision of the existing dwelling, the property does represent a large family house, in a location where such houses may well be in demand given its central location. The principle of sub-division is therefore questionable if the criteria in Policy 21 are not adhered to and met.

Another key requirement is the need for an adequate standard of residential accommodation and residential amenity for future occupiers and that adequate provision is made for communal gardens and amenity areas. Where all of the above are satisfied, the Nationally Described Space Standards

will be applied to ensure that the occupiers have adequate floor space. The latter is a measure of whether or not an appropriate level of amenity would be achieved for future occupiers.

Paragraph 13.3 of the SELLP states that Policy 21 also applies to proposals to sub-divide larger houses into two or more dwellings.

Paragraph 13.9 of the SELLP states that proposals for the sub-division of existing properties into flats should provide satisfactory standards of living accommodation and amenity. This means that the property should be of an adequate size for the proposed use and the layout, range of facilities and external amenity space should ensure an adequate standard of residential amenity space for future occupiers. One step in achieving an adequate standard of accommodation is to ensure that there is adequate living space which complies with the Nationally Described Space Standards set out in national policy.

Internal Gross Floor Area

The proposed internal gross floor area of the one bedroom house falls short of the nationally described minimum space standards by a significant amount. The internal floor space is 50.4 square metres, where a two storey one bedroomed dwelling should be a minimum of 58 square metres.

The proposed internal gross floor area of the ground floor two bedroom flat measures 91.65 square metres, whereas the minimum requirement as part of the nationally described minimum space standards is 79 square metres. This is therefore above the minimum standard.

The proposed internal gross floor area of the first floor four bedroom flat measures 110 square metres whereas the nationally described minimum space standards requires at least 108 square metres. This is therefore above the minimum standard.

Whilst it is acknowledged that the ground and first floor flats adhere to the national minimum space standards, the level of amenity for future occupiers for the proposed one bedroom house is considered to be inadequate and poorly designed. Such a stark deficit in minimum floor space would result in poor living conditions. The proposal is in conflict with Policy 21 as a result and related Policies 3 of the SELLP in that the proposal does not create a distinctive places through the use of high quality and inclusive design and layout and Policy 2 in that it adversely affects the character and appearance of the area due to its poor quality of design.

Rear Amenity Space

The proposed one bedroomed house has a rear amenity space of 26.4 square metres. The four bedroomed first floor flat has a rear amenity space of 25.4 square metres. The ground floor two bedroomed flat has a rear amenity space of 71.8 square metres.

It is considered that a rear amenity area of 71.8 square metres for the ground floor flat is reasonable, especially given that this is a 2 bedroomed flat. In area terms, rear amenity spaces of 26.4 and 25.4 for the house and four bedroom flat is considered to be poor, and overall too small, particularly for a four bedroom flat which could accommodate a family. This represents poor design, and an indication that too many dwellings are being proposed onto the site.

The rear garden depths for the dwellings are 6.34m for the one bed house, 6.36m for the four bedroomed first floor flat and 6.19m and the two bedroomed ground floor flat. The rear garden depths are considered to be inadequate. Coupled with the inadequate nature of the rear amenity space (in terms of area) for the one bedroomed house and the first floor flat, this constitutes poor design, and is not 'planning for beauty' that the government now promotes.

Overall, it is considered that the amount of rear amenity space in terms of area for the one bedroomed house, and the restricted length of rear gardens for all 3 dwellings is poor in design terms, and inadequate for future occupiers of the dwellings, as well as adversely affecting the character and appearance of the area. It is considered this is insufficient and contrary to policy 21 which specifically requires an adequate standard of residential accommodation and residential amenity is provided for future occupiers, Policy 3 in that the scheme fails to create a distinctive places through the use of high quality and inclusive design and layout and Policy 2 in that it adversely affects the character and appearance of the area due to its poor quality of design.

Impact on Neighbouring Residents/Land Users

Policy 3 of the SELLP requires all development to create distinctive places, with inclusive design and layout, be sensitive to the landscape character, and take into account residential amenity. Aside from the aspects of amenity and character discussed in the above sections, the impact on amenity terms of neighbouring residents would be primarily in the introduction of three dwellings in place of one large family dwelling, which would result in an increase in comings and goings, and increased issues associated with parking which has been documented by nearby local residents, which is notwithstanding the acknowledgement that the Local Highway Authority raise no objection. It is not thought that the proposals would adversely affect neighbouring properties due to noise given the size of the plot, however, the poor design is considered, together with the impacts associated with Policy 21 and 2, to adversely affect neighbouring residential amenity.

Impact on Biodiversity

Section 15 of the National Planning Policy Framework (NPPF) seeks to protect sites of biodiversity value, minimise and provide net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. Policy 28 of the SELLP seeks to protect ecological networks of interconnected designated sites and wildlife-friendly greenspace and assess proposals directly or indirectly affecting these assets by assessing if the benefits of the proposal would outweigh the adverse impacts on the site and wider network of natural habitats. In addition, the policy seeks to promote biodiversity net gain in proposals by protecting the biodiversity value of land, maximising opportunities to enhance and connect natural habitats, incorporate biodiversity conservation features to enhance green infrastructure and ecological corridors, and conserving or enhancing habitat to adapt to climate change.

No proposals associated with mitigating the proposals in biodiversity terms have been submitted with the application. As a result the proposal do not demonstrate biodiversity net gain. With such a restricted layout, there is also limited opportunities to incorporate any biodiversity net gain measures into the scheme. This is again a reflection of poor design. It is considered that the proposals conflict with Policy 28 of the SELLP as a result.

Impact on Heritage Assets

Policy 29 of the SELLP relates to the Historic Environment and states that distinctive elements of the South East Lincolnshire's historic environment will be conserved and where appropriate, enhanced. Proposals within Conservation Areas should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces, and retain architectural details that contribute to the character and appearance of the area. This policy reflects the advice of the National Planning Policy Framework.

The feedback from LCC Historic Place's Team is that the application property should be regarded as a non designated heritage asset, which is compliant with the site's location within the Conservation Area.

The team describe the property as a large house with a late Georgian facade incorporating a period pedimented doorway and wooden sash windows. They note the positioning of the windows on the northern elevation suggests the facade is a later addition to an older building and while there is evidence of alterations in the 'modern' windows on the southern range and windows on the north elevation. From the front there is no evidence of extensive renovations. Site photos demonstrate extensive gutting of the interior however. From historic mapping the building appears relatively unchanged from at least the late 19th century. The Team notes this is an historic building of early 19th century date or earlier, which reflects a period of affluence within the settlement of Long Sutton and can be considered a non-designated heritage asset.

The proposed alterations involve the replacement of windows with non-traditional materials as well as the blocking up of doorways and creation of new openings, notably replacing an original window with French windows. NPPF 2023, para 194 states: 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.'

Paragraph 203 states: 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Whilst taking into account a balanced judgement in terms of the internal state of the building, the lack of the submission of a heritage statement which would have identified the significance of the historic building and how any alterations to the historic fabric would affect that significance, particularly on the surrounding Conservation Area, and any required mitigation, the proposal is contrary to policy 29 of the SELLP which seeks to identify a heritage asset's contribution to the local community and surrounding Conservation Area.

Flooding Considerations

Policy 4 of the SELLP relates to the approach to flood risk and details how development proposals will be determined, including sequential testing and other relevant considerations.

The site is within Flood Zone 3 which has the highest probability of flooding. A Sequential Test is required. Where there is no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 applying the Exception Test if required.

In this case, no Flood Risk Assessment has been submitted with the application. Given that the proposal involves a ground floor flat, the case officer is unable to assess whether or not specific mitigation measures are required for ground floor occupiers in the event of a flood and as a result the proposal is considered contrary to policy 4 of the SELLP.

Highway and Car Parking Matters

Policy 36 of the SELLP states that all new development, including changes of use, should provide vehicle and cycle parking in accordance with the minimum Parking Standards adopted by the Local Planning Authority. These are shown in Appendix 6 of the SELLP which requires, for houses and flats, 2 spaces for dwellings up to 3 bedrooms and 3 car parking spaces for dwellings of 4 bedrooms or more.

For the element of the scheme that comprises the single dwelling house, 2 car parking spaces are required to comply with the adopted minimum car parking standards. For the 2 bedroom flat, 2 car parking spaces are required. For the four bedroom flat, 3 car parking spaces are required. In total therefore, in order to comply with the Council's car parking standards, a total of 7 car parking spaces would be required to ensure that the proposal is policy compliant.

In terms of adopted cycle parking standards, 1 space within each residential plot is required for cycle parking, and 1 space per unit within a flatted development. In total therefore, for this development, 3 cycle parking spaces are required.

The proposed development is for 3 dwellings in total and proposes 5 car parking spaces, arranged in a linear arrangement along the rear boundary in a line, set behind the amenity space in a yard. This is contrary to Appendix 6 given that 7 car parking spaces and 3 cycle parking spaces would be required for this development to be policy compliant. No cycle parking spaces are shown as part of the proposals. No transport assessment has been submitted which justifies the lack of adherence to adopted policy. The proposal is contrary to Appendix 6 and Policy 36 of the SELLP.

The design arrangement for the parking is considered to be poor. Policy 36 states that parking for residents and visitors should be integral to the design and form of all new development, and should ensure that parking spaces are fit for their intended use in terms of size and design, and that parking is well-integrated within the townscape or landscape, through an appropriate use of materials and landscaping. The parking is added into the rear yard in an awkward design arrangement, with a very restricted distance of 5.77m between the rear of the car parking spaces and the edge of the amenity space. The width of the access is 2.71m wide. Whilst it is acknowledged that the proposal does not attract an objection from the Local Highway Authority, the design of the rear parking arrangement is considered to be poor, and its design, due to its poor design is likely to lead to future occupiers not being able to use the parking effectively and would park on the street. The design of the rear parking is also considered to be contrary to policy 36 of the SELLP.

It is acknowledged that some local residents have reported highway concerns within the vicinity of the proposals, and in location terms the site is reasonably centrally located to the settlement, and nearby to shops along the high street. It is not unreasonable to assume therefore, that the intensity of the use, together with insufficient car parking within the site itself, could result in increased parking pressures in the immediate vicinity, despite the fact that the local highway authority do not object to the proposals on highway safety grounds. Nonetheless, the proposal is contrary to Appendix 6 of the SELLP and therefore is contrary to policy 36 of the SELLP. Policy 3 of the SELLP requires that all development should create distinctive places through the use of high quality and inclusive design and layout. It is considered the proposals conflict with this policy.

Planning Balance

Section 38 (c) 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. To determine whether the proposal accords with the Local Plan it is necessary to undertake a planning balance exercise having regard to economic, social and environmental objectives.

In economic terms, future occupants of the dwellings may work locally, support local services and therefore make a contribution to the local economy. There would be short term economic benefits associated with the construction of the dwellings and minor long term benefits of increased spends associated with the households living on site. The economic benefits resulting from the proposal are minor, but weigh in favour of the proposal.

In community terms, the proposal would make a contribution towards housing supply in the district. This weighs in favour of the proposal.

In environmental terms, the site incorporates a poor design which would result in a cramped form of development and inadequate amenity space, car and cycle parking. The cramped nature of the site may affect heritage assets, biodiversity, flood risk and affect amenity for both existing neighbouring occupiers and future occupiers. This means the balance in terms of environmental issues weighs against the proposal. Overall, the harm of the proposal in environmental terms is considered to outweigh any economic and community benefits in the overall planning balance and as such the material harm results in the need to refuse planning permission.

Conclusion

The proposal is contrary to policy and as such should be refused.

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.