

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-1078-22 **Applicant:** I M N Properties Ltd.

Proposal: Extensions & alterations to form 2no. 2 bed flats and 2no. 3 bed 2 storey houses - approved under H11-1142-21. Modification of Conditions 2 & 4 to allow amendments to previously approved plans and reflect revised FRA and removal of Conditions 3 & 5 relating to private refuse/recycling collection and scheme to deal with contamination.

Location: The Old Royal Standard 114 London Road Long Sutton

Terminal Date: 30th December 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
17	Providing a Mix of Housing
28	The Natural 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

Representations:

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

SHDC INTERNAL	0	0	0	1
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CASE OFFICER ASSESSMENT

Proposal

Section 73 of the Town and Country Planning Act 1990 allows the variation or removal of conditions associated with a planning permission. Under this Section, this planning application seeks to modify conditions 2 & 4 associated with application H11-1142-21 to allow amendments to previously approved plans and reflect revised FRA and removal of Conditions 3 & 5 relating to private refuse/recycling collection and scheme to deal with contamination.

The original application was for a first floor rear extension, single storey front extension and alterations to the existing building to form 2no. 2 bed flats and 2no. 3 bed 2 storey houses with associated amenity areas to the front/side of the building and 8no parking spaces at the rear of the site.

Site Description

The application site is located on London Road, within the Long Sutton settlement boundary. It is positioned on the corner of London Road and Royal Standard Close which is a private road. The site comprises of a former pub building which has long been converted to residential use and accommodates 3 flats (2 x 3-bed units and 1 x 2-bed unit). The existing building is 2-storey detached and finished in cream paint and render. There is an informal parking area to the rear of the building. The boundaries are open to the front of the site and there are walls and fencing on the south, and part of the north, east and west respectively. The site is located within Flood Zone 3 of the Environment Agency Flood Maps for Planning.

History

H11-1142-21 - Extensions & alterations to form 2no. 2 bed flats and 2no. 3 bed 2 storey houses - Approved

H11-0289-99 - Erect bungalow, chalet with garages and construct private carriageway - Approved

H11-0737-97 - Residential development for four dwellings (renewal of application H11/0843/94) - Approved

H11-1063-94 - Convert rear part to flat - Approved

H11-0843-94 - Residential development for four dwellings - Approved

H11-0233-94 - Elevation drawings showing new windows and doors (Condition 3 of H11/1181/93) - Approved

H11-1181-93 - Conversion of existing public house to flats - Approved

Consultation Responses

Long Sutton Parish Council

No objections.

Environmental Protection

Land contamination report not required provided the proposed hardstanding is permanent.

Planning Considerations

Principle of development

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 within 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.

The site has full planning permission for extensions & alterations to form 2no. 2 bed flats and 2no. 3 bed 2 storey houses which was approved under H11-1142-21

The main issues in this case are whether the amendments to the previously approved plans would be sympathetic to the character and appearance of the building and wider area, and acceptable on amenity grounds.

Design and layout

Paragraph 130 of National Planning Policy Framework (NPPF), 2021 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. Policies 2 and 3 of 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.

The footprint and design of the previously approved development remains the same. The only changes are removal of the land contamination and private refuse/recycling collection which are not considered to materially change the overall appearance of the site or result in any unacceptable impact to the character of the area.

As such the amendments are considered to be acceptable on character/design grounds and in accordance with Policies 2 and 3 of the Local Plan in this regard.

Flood risk and drainage

The revised flood risk assessment proposes the same mitigation measures as the previously approved one therefore subject to implementation of the suggested measures which can be secured via a condition, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2021) with regard to their provisions on flood risk and drainage.

Residential amenity

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

The proposed amendments are not considered to impact neighbouring amenity as the footprint, layout and design of the development remains the same as previously approved.

As such the proposal accords with Paragraph 130 of National Planning Policy Framework (2021) and Policies 2 and 3 of South East Lincolnshire Local Plan (2019).

Highway safety and car parking provision

The access and parking arrangements remain the same as previously approved and are not impacted by the proposed amendments.

Waste

The application seeks to remove condition 3 of the original application which sought the submission of full details of the arrangement for private refuse/recycling collection. The current application does not provide these details, however, Waste Services has confirmed that the Councils refuse collection vehicle goes down Royal Standard Close already therefore waste associated with this development can be collected by the Council instead of private collection.

Other matters

The application seeks the removal of condition 5 which required the submission of a scheme to deal with any contamination of land or pollution of controlled waters. Following consultation with the Environmental Protection Officer she has advised that this condition can be removed provided the proposed hardstanding areas shown on the submitted plans are permanent. A condition has been appended to this effect. As such this condition can be removed.

Planning balance

The amendments to the previously approved plans are relatively minor and will not materially harm the character or appearance of the locality or amenity of nearby residents.

The planning balance is considered to be in favour of the proposal.

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, 17, 28, 36 and Appendix 6 of South East Lincolnshire Local Plan (2019) as well as Sections 2, 3, 4, 5, 11, 12 and 14 of National Planning Policy Framework (2019).

Accordingly, it is recommended to approve this application via delegated powers.

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

The application can be approved under delegated powers.