

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H11-1129-21 **Applicant:** Mr P Flower

Proposal: Demolition of rear single storey building and erection of 2 flats (part retrospective)

Location: Rear Of 16 Market Place Long Sutton Spalding

Terminal Date: 30th December 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
11	Distribution of New Housing
28	The Natural Environment
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 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 15. Conserving and enhancing the natural environment.
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

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	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to demolish a single storey building and erect two flats. The former has already been demolished. The proposal is essentially a renewal of a former permission (ref. H11-0864-17).

Site Description

The site is located to the rear of no. 16 Market Place, Long Sutton, which is a 19th Century three storey property. It is accessed via a pedestrian passageway. No. 16 presently has a foot clinic and discount store at ground floor level fronting Market Place and flats above. The site is within Long Sutton Conservation Area.

A hair/beauty salon is situated to the south fronting Market Place and a takeaway to the north. A dwelling (no. 22) is situated to the south-west with access via the passageway. Disused land associated with the Bull Hotel is located to the rear.

Recent History

H11-0790-07 - Full - Two flats and shop store (including demolition of existing single-storey extension) - Granted 14 August 2007.

H11-0080-10 - Full - Alterations to 2 shops and convert first and second floors to 2 flats - Granted 26 May 2010.

H11-0081-10 - Full - Demolish rear single-storey building and erect 2 flats and store/WC extension for existing frontage shops - Granted 26 May 2010

H11-0688-10 - Full - Change of use of shop to office - Granted 11 October 2010

H11-0689-10 - C/C - Details of external materials, windows and external doors (Conditions 3, 6, and 8 of H11-0081-10) - Approved 7 September 2010

H11-0696-10 - Full - Alterations to 2 shops and conversion of first and second floors to 2 flats - Granted 11 October 2010.

H11-0946-10 - C/C - Details of refuse storage facilities (Condition 5 of H11-0696-10) - Approved 23

November 2010

H11-0864-17 - Full - Demolition of single storey building and erection of two flats - Granted 13 November 2017.

Consultation Responses

Long Sutton Parish Council

No response

LCC Highways/SUDS

Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board

Recommend drainage strategy. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface 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).

Environmental Protection

No comments or objections.

LCC Archaeology

Recommend conditions.

SHDC Conservation Officer

I have no major conservation concerns with this development, particularly as the structure it is intended to demolish doesn't appear to hold any particular value to the Historic Environment.

Public

Comments received (summarised):
Request installation of Swift nesting boxes.

Planning Considerations

The main issues in this case include the following:

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. Policies 2, 3 and 29 of the SELLP) are therefore

applicable. Policy 2 states that sustainable development considerations should be met in relation to such matters as impact on the character and appearance of an area and historical buildings and heritage assets. Policy 3 stipulates that development should complement and enhance designated and non-designated heritage assets.

In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 local planning authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, section 66(1) of the same Act requires that special regard must be had to the desirability of preserving the setting of listed buildings.

Policy 29 of the SELLP indicates that proposals should enhance or reinforce the character and appearance of a conservation area and not harm the setting of a heritage asset. Paragraph 199 of the Framework, 2021 states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The extension that has been removed is located at the rear and was of no particular architectural or historic merit. The replacement building reflects Georgian vernacular and is considered sympathetic in terms of design/appearance and wouldn't have a harmful affect upon the character/appearance of the conservation area.

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.

From an amenity point of view, the proposal has windows facing the building immediately to the south. However, the latter has a commercial use. A dwelling (no. 22) to the south-west has windows facing north towards the site. However, the section of new building closest to these windows has a blank wall. Any overlooking of neighbouring property would be oblique or at a distance. It is considered that the amenity of neighbouring occupiers would not be materially harmed in terms of overlooking, lack of privacy, overbearing effect, overshadowing and noise/disturbance.

The document "Technical housing standards - nationally described space standard" was produced by the Department for Communities and Local Government on March 2015 (DCLG). Although it has not been embedded to the Local Plan other than houses in multiple occupation and the sub-division of dwellings, these standards provide some useful guidance to assess whether the proposals are or is not appropriate in this respect. The proposed accommodation would be above the minimum standards.

A secure communal area would be provided at the rear for the storage of cycles, etc, plus a bin store.

The proposal is therefore generally in accordance with Policies 2 and 3 of the SELLP.

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 of the South East Lincolnshire Local Plan. However, the site is in a central urban area and public parking is available nearby. LCC Highways have indicated that services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Consequently, future residents of the development would not be reliant on the

private car and therefore parking is not essential for this proposal. They have therefore raised no objections on highway safety grounds.

Flood Risk

The appeal site lies within Flood Zone 1 and the hazard map in the South Holland Strategic Flood Risk Assessment (SFRA) concludes that the site would be unaffected in the event of a breach of flood defences.

The proposal therefore satisfies the sequential and exceptions tests, subject to a planning condition setting finished floor levels at 300mm above existing ground levels.

Pollution

Environmental Protection have been consulted and have raised no comments or objections in this case.

Archaeology

The proposed development is located on the historic market place within the medieval settlement of Long Sutton. The property is one of a number of narrow burgage plots, which typically characterise planned development during the medieval period. Long Sutton has had a market since a charter given by King John in 1202, and by the 1250s this had grown to three markets per week plus annual fairs, demonstrating the town's importance in the medieval local economy. Previous development work in the Market Place has revealed pottery dating from the 17th century onwards.

The proposed development has the potential to reveal remains of medieval and later settlement during the demolition and removal of foundations and the construction of the new extension. As such development in the area could disturb previously unknown archaeological finds and features which could further our knowledge of the development of this settlement. Therefore given this it is recommended that the developer should be required to commission a Scheme of Archaeological Works.

Planning Balance

The site is in a sustainable location and the proposal would not materially harm the character or appearance of the building or the conservation area. It is generally in accordance with Policies 1, 2, 3, 4, 11 and 29 of the South East Lincolnshire Local Plan, 2019. Lack of on-site car parking is a material consideration but is not sufficient in this case to indicate against the proposal and to outweigh factors in favour of the proposal, subject to safeguarding conditions.

Conclusion

For the reasons outlined above it is recommended that the application be approved under 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.