DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-0525-24**	**Applicant:**	**Mr & Mrs GJR & KF Swindells**
Proposal:	Change of use of The Mermaid Inn to 2 No. semi-detached 3 bedroom dwellings		
Location:	The Mermaid Inn 2 Gosberton Road Surfleet		
Terminal Date:	4th November 2024		

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
17	Providing a Mix of Housing
28	The Natural Environment
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Sections 2, 5, 11, 12, 15 and 16 of the National Planning Policy Framework (December 2023)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	1	0	0	0
WELLAND AND	0	0	0	1

DEEPINGS INTERNAL DRAINAGE BOARD				
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This planning application is for the change of use and subdivision of the Mermaid Inn to 2 semi-detached 3 bedroom properties.

Site Description

The Mermaid Inn is a Grade II Listed, two-storey detached, period property with timber sash windows, red and white painted brick to the main facades with a mix of slate and concrete pantiles to the roofs. The Inn occupies a prominent position close to the road bridge across the River Glen and the junction of Gosberton Road and Stockhouse Lane in the middle of Surfleet.

The Inn occupies the north-eastern corner of the application site on the junction of Stockhouse Lane and Gosberton Road. To the south of the principal Inn building there is the River Glen and the main car park together with a riverside beer garden with outside bar and seating. There is a small ancillary single storey building within the main body of the site and another single storey building on the Stockhouse Lane frontage.

Currently vehicular access is gained from both Gosberton Road and Stockhouse Lane.

The Church of St.Lawrence, to the east, on the opposite side of Gosberton Road is a Grade I listed building and the Surfleet War Memorial further north is Grade II listed. There is no conservation area within Surfleet.

The general character of the area to the west of the application site is predominantly residential with the iron girder road bridge (1884) over the River Glen dominating the views out of the site to the south-east.

Alongside the River Glen there is a floating landing stage/ mooring and a brick revetment wall with ornamental coping and railings plus an archway down to the staging.

The levels within the site fall approximately 900mm from east to west. There is manicured soft landscaping on site and two short sections of deciduous hedges lie adjacent to the single storey store in roughly the middle of the site. The majority of the proposed development site is shown to be within Flood Zone 1 'Low Probability' with the area alongside the riverbank in Flood Zone 3 'High probability' as detailed on the Environment Agency's Flood Zone Maps without defences.

The Historic England listing description is set out below:

House now inn. Early C19. Coursed and squared gritstone rubble with ashlar quoins and dressings; clay tile roof with coped verges; ashlar ridge stacks. U-shaped plan. 2 storeys; 1:3:1 bays; gabled wings to left and right flanking deeply recessed central range; each gable has a first floor square shuttered opening, possibly pitching holes. Mullioned windows to central range, all of 3-lights except first floor centre which has 2-lights; flat faced mullions containing plate glass sashes with horns; sill band to first floor windows continued on inner sides of wings; central porch with hipped roof and 2-light casement window.

History

H17-0898-21. PLANNING APPLICATION. Proposed Change of Use of The Mermaid Inn to five apartments, associated demolition and erection of three attached dwellings, one detached dwelling, erection of refuse collection point, retention of wc/garage and alteration to existing access off Stockhouse Lane. Approved 12-01-23.

H17-1012-22. LISTED BUILDING CONSENT. Proposed change of use of The Mermaid Inn to 5 apartments, the erection of a terrace of 3 two storey dwellings, 1 single storey dwelling and associated demolition and alteration to existing access off Stockhouse Lane. Approved 12-01-23.

H17-0033-06. FULL. Erection of orangery, change of use to bedroom and re-building of boundary wall. Approved 13-02-06

H17-0941-03. FULL. Construction of landing stage/mooring. Approved 02-09-03

H17-0610-02. FULL. External Bar. Approved 15-07-02

H17-0369-95. FULL. Erection of porch. Approved 31-05-95

H17-0097-95. FULL. Improvements to kitchen facilities and reslate roofs. Approved 09-03-95

Consultation Responses

Welland and Deepings IDB

Welland & Deepings IDB have no comment to make with regard to this application.

Environment Agency

No objections

Surfleet Parish Council

No comment.

SHDC Environmental Protection

No comment

LCC Lead Local Highways and Flood Authority

LCC Highways were consulted and initially commented requiring that the access to the site be sourced exclusively from stockhouse lane, with the Surfleet Road access to be stopped up.

The applicant provided details of the proposed stopping up, re-configuring the access arrangements on site. LCC highways responded confirming that they wanted this further establishing in writing.

Planning Considerations

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):
- Principle of Development and Sustainability
- Heritage Impact
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019,

forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Principle of Development

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.
The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Minor 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. This policy goes on to detail that development within Minor Service Centres will normally be limited to Allocated and Committed sites and infill.
The National Planning Policy Framework, (NPPF) (December 2023) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay and that land with permission is developed without unnecessary delay".

Para 70 of the NPPF (December 2023) also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The application site in this instance is within Surfleet, a Minor Service Centre, and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of residential development within this location is considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy. Furthermore, this application represents the conversion of an existing building, for which the principle of residential use has already been established by a 2021 planning permission which granted the conversion of the mermaid inn into a set of 5 apartments.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, impact on highway safety and flood risk, which are discussed in turn as follows.

Heritage Impact

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving listed buildings, their setting, or any features of special architectural or historic interest which they possess.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require decision makers to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess as well as the desirability of preserving or enhancing the character or appearance of conservation areas. Any adverse effect on a heritage asset, even if slight or minor, would not preserve the asset or its setting.

Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (December 2023) (NPPF). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.

Section 16 of the National Planning Policy Framework (December 2023) 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".

As such, the NPPF sets out that where proposals could lead to 'less than substantial harm' to a designated heritage asset, the consideration of such an application must be weighted against the public benefit.

Finally, Policy 29 of the South East Lincolnshire Local Plan (2019) (SELLP) confirms that in order to respect South Holland's historical legacy all proposals shall conserve and enhance the character and appearance of designated heritage assets. Additionally, Section A of that policy confirms that proposals that affect the setting of a Listed Building will only be supported where they preserve or better reveal the significance of the Listed Building, and that proposals that seek to alter a listed building shall be granted where the LPA is satisfied that the proposal is in the interest of the building's preservation and does not involve alterations that are prejudicial to the special architectural or historic interest of the Listed Building or its setting.

The Local Planning Authority does not deem there to be any risk posed by these proposals to the visual qualities or significance of the listing. The only external alterations proposed are the removal of a non-original timber extension/lean-to from the rear elevation, with the bricking up of the previously internal openings, and addition of windows, as well as the bricking up of an installation of a window into a rear external door opening. The lean-to which is proposed to be removed is an eyesore addition to the building and clearly a relatively recent addition. The bricking up of the related openings and installation of windows can be done sensitively, and it will be ensured via means of condition that all materials and fenestration shall be appropriate to the historic environment.

Internally, much of the original character of the building has already been lost during C20th modernisations, such the much of the interior is characterless, and fully modern, even with reference to internal layout. As such, the proposed internal alterations - which result in some additional internal divisional walls to separate the proposed distinct units shall not risk any aspect of the historic value of the property. Additionally, the internal boundaries between both proposed units are actually separated at the division point between the two historic phases of the host property, which would have originally served as individual units.

Additionally, whilst all applications must be considered of their own merits, it is valuable context to know that the 2021 consent granted much more extensive internal alterations and divisions. This proposal marks a scheme which would in practice be much more preferable to implement over the existing 2021 consent.

Because of the above, the Local Planning Authority does not consider there to be any risk presented to the value or significance of the historic asset, and as such, considers that the proposal

passes the requirements set forth under Policy 29 of the SELLP, in addition to S16 of the NPPF.

Flood Risk

Section 14 of the National Planning policy Framework (December 2023) requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, 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 can be applied if appropriate.

The site lies within Flood Zones 1 of the Environment Agency's Flood Maps. These 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.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

As the site is within Flood Zone 1 which represents the area of the lowest possible risk and the proposal seeks only the conversion of an existing building, an application of the Sequential or Exemption tests is not required, and the principle of residential development in this setting with regard to flood risk is nominally considered acceptable. It is, however, worth noting that the SFRA also determines that the site is at the lowest possible risk of flooding and that the maximum flood depth is less than 0m-0.25m.

Overall, when considering the development on balance, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard.

Residential Amenity

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

This application presents no dimensional expansions of the existing building, and does not propose the creation of any additional above-ground-floor fenestration. Furthermore, the site already has consent to be used for a residential purpose with a greater population capacity. It is for these reasons that the LPA does not consider there to be a material risk of undue generation of additional overlooking, overshadowing or noise on site as a result of this proposal.

As detailed above, the scale and design of the proposal is considered to be such that there would

be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework (December 2023), and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The Local Planning Authority does not consider there to be any undue risk to highway safety or of a lack of suitable parking provision on site. As a result of the initial LCC highways consultation response, the applicant has proposed to stop up the Surfleet Road access to vehicular traffic, such that the site may only be accessed via the stockhouse lane gate. This was necessary, as the extant access on Surfleet Road is directly adjacent to the bridge, with extremely limited visibility to the south as a result - vehicles exiting via this gate would have represented a severe potential danger to road users.

As mentioned, it is now proposed that the site may only be accessed via Stockhouse Lane. It is worth noting that the approved application dating from 2021 on site sought Stockhouse Lane access for use of the main building as 5 seperate residential units, in addition to multiple additional dwellings in the rear land. This was not objected to at the time, and the application was approved, establishing that the Stockhouse Lane access is considered acceptable as a vehicular access for a development of a much greater capacity than that which is proposed.

The applicant complied with the LCC Highways requirement to agree to stopping up the Surfleet Road access, However, the LPA considers that the latest LCC highways response, requiring the applicant to further amend the application to provide confirmation in writing is excessive and unreasonable, when considering the same effect can be established by means of a condition to an approval. Given the above, and the fact that LCC Highways raised no additional points of objection or contention, the LPA concludes that the proposal would not place highway safety at risk, and that the access arrangements as now proposed are acceptable, subject to appropriate conditions.

Furthermore, the application proposes 2 allocated parking spaces per dwelling, with each dwelling proposing 3 bedrooms. This is in conformity with the parking standards established under Appendix 6 of the SELLP.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework (December 2023).

Biodiversity

The applicant has argued in their BNG exemption statement that this application for change of use to an existing building with no external works required will not affect any current biodiversity on the site, and therefore should be considered exempt by virtue of de minimis status. The Local Planning Authority concurs with the findings of the statement and agrees that the proposal is exempt from BNG requirements.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Conclusion

For the reasons listed above, this application is deemed to be in accordance with Policies 1, 2, 3, 4, 11, 17, 28, 29, 36 and Appendix 6 of the SELLP, in addition to Sections 2, 5, 11, 12, 15 and 16 of the NPPF. Therefore, the recommendation is to approve.

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.