

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H17-0585-23 **Applicant:** Mr J Dickinson

Proposal: Conversion of 2 flats into single dwelling including new roof, replacement porches, internal alterations and extended vehicular access

Location: 1 Park Lane Surfleet Spalding

Terminal Date: 16th 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
17	Providing a Mix of Housing
33	Delivering a More Sustainable Transport Network
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 9 - Promoting sustainable transport
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	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	0	1

OTHER STATUTORY BODIES	0	0	1	0
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CASE OFFICER ASSESSMENT

Description of Proposal

The proposal seeks full planning permission for the conversion of two flats into a single dwelling, including a new roof and the creation of a new porch at 1 Park Lane Surfleet. It is also proposed that the dropped kerb be extended by 4 metres.

The proposed alteration to the roof would see the creation of a grey tiled gable roof to replace the existing concrete flat roof. This would result in an increase in height of approximately 2.7 metres, bringing the total height to approximately 8.7 metres.

A small porch is proposed to replace the existing overhang. This porch would protrude by 1.45 metres and be constructed of timber with grey cladding.

With regards to conversion and alteration of the flats, it is proposed that the one-bedroom ground floor flat and first floor two-bedroom flat are combined to form a three-bedroom, single dwelling. All bedrooms would be located on the first floor. It is proposed that the existing brick work would be covered with grey-green composite cladding, while the white render would remain. The white UPVC windows and doors would be replaced with grey UPVC.

Site Description

The site is within the settlement boundaries of Surfleet, as outlined within the South-East Lincolnshire Local Plan, 2019. The site is located approximately 35 metres south of the river Glen, on the eastern side of the B1356. The area is characterised by a mixture of use, with residential dwellings to the north, south and west, and commercial premises to the east. 50 metres to the north is the Grade II listed Mermaid Inn, and 75 metres beyond that is the Grade I listed St Laurence's Church.

The site itself is currently occupied by two flats, with associated parking to the front. The site shares an access with the adjacent commercial unit. The building itself is somewhat unique in the area, featuring a flat roof not replicated elsewhere. The materials currently present are red brick work and off-white render.

Relevant History

H17-0554-02 - Full. Change of use from office to 2 flats. Refused 12/08/02.

H17-0008-04 - Full. Change of use of office building to single residential unit. Refused 20/04/04. Decision overturned on appeal.

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Surfleet Parish Council

"Support. No comment."

Highway and Lead Local Flood Authority

"No objection:

The subject building is currently two flats that have been created in what appears to have at one time been an office-type building associated with a commercial use of the adjacent building and yard. This proposal involves the creation of a new vehicular access into the site from Park Lane by extending the existing vehicle access to the adjacent yard. The proposed extension is located where adequate visibility can be achieved for drivers entering Park Lane. The proposal includes adequate space for residents of the proposed dwelling to park their vehicles off the highway. In view of the above, and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety and therefore does not wish to object to this planning application."

Historic Places Team

No archaeological input required

Conservation Officer

I write to confirm that I have no objections to this proposal upon conservation grounds. The proposal site is neither listed, nor is there an established conservation area for Surfleet. However, the proposal site could be considered to form both a part of the setting of the nearby Grade II listed Mermaid Inn, as well as being a part of the historic core of the village of Surfleet, within close proximity to a number of clear non-designated heritage assets. The building as extant is a visibly notable draw on the aesthetic qualities of the area, particularly for its blocky, flat-roofed appearance. As such, despite its distant visual relation to the nearby Grade II listed building, I am happy to see that this proposal would almost certainly represent a visual improvement to a building within the setting of a listed building, as well as that of a number of non-designated heritage assets.

The case officer should therefore, continue to consider the application in accordance with Policy 29 of the SELLP in addition to all other relevant planning policy and guidance considerations."

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

Evaluation

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

The adopted South-East Lincolnshire Local Plan 2011-2036, adopted March 2019 (SELLP), is 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, 2021 (NPPF) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Principle of Development

Policy 1 of the SELLP sets out the settlement hierarchy in respect of delivering sustainable development, which 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 need, whilst making more sustainable use of land, and to minimise the loss of high-quality agricultural plots by developing in sustainable locations and at appropriate densities.

Policy 1 expresses this sustainable hierarchy 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 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.

The site is within the settlement of Surfleet which is classed as a Minor Service Centre within Policy 1. As such development will be permitted that supports Surfleet's role as a service centre, 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 infill, existing commitments, and allocated sites.

As the site is within Surfleet, development within this location is considered appropriate. While the proposal would reduce the number of homes available, the principle of the proposal is still acceptable given the location within a settlement. The loss of a single housing unit is not deemed to significantly harm the housing stock of the area, considering that a 5 year housing supply can be demonstrated.

Therefore, the proposal is considered to be in accordance with Policy 1 of the SELLP. The principle of development on this site is considered acceptable subject to other material considerations being met.

Layout, Design, Scale and Consideration of the Character of the Area

Section 12 of the NPPF, "Achieving well-designed places", states that "creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 130, contained within Section 12 of the NPPF, states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality, to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing. Developments 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, among other considerations.

Likewise, Policy 2 of the SELLP outlines sustainable development considerations for proposals; providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 of the SELLP requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable. Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design, and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

The existing structure is severely at odds with the character of the area. The materials used are atypical, there are no other dwellings in the area with a flat roof, and the heavy use of hard landscaping is rare within Surfleet. In addition to this, the general utilitarian design of the building, with its squat, angular shape is unique to the site. These factors combine to produce an unappealing building which severely damages the aesthetic quality of the area.

The National Design Guide, to be read in conjunction with the "Design: process and tools" portion of the Planning Practice Guidance, outlines the requirements of good design. Paragraph 53 states:

"Well-designed new development is influenced by: an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents"

The existing structure does not conform to this criterion, with the building harming the character of the area. The modifications proposed rectify this. The addition of a dual-pitched roof would remove an alien feature, bringing the design more in keeping with the established character of the area.

While the cladding proposed here is not present in the immediate area currently, within the wider context of Surfleet it is common. Located to the south is a large, clad building which is prominent in the street scene; while to the east, towards Surfleet Seas End, are numerous clad buildings. These clad buildings feature various colours, many of which are unique to their individual properties. Taken in the wider context, the proposed cladding would not appear out of keeping, with the development being naturalised by these aforementioned clad buildings.

The use of green colouring in such a prominent way would be unique. Paragraph 56 of the National Design Guide states that:

"well-designed places contribute to local distinctiveness. This may include: introducing built form and appearance that adds new character and difference to places".

Taking this into account, the use of uncommon materials/ colours would not harm the locale, instead introducing a new unique feature which would enhance the character of the area. The proposed materials are further supported by Paragraph 57, which outlines the importance of using practical, yet attractive materials which add to local distinctiveness.

Taking account of the design, scale, and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would remove a harmful structure, and replace it with a more attractive structure, which enhances the character of the area. The proposal would enhance the character and appearance of the area and would therefore be in accordance with Policies 2 and 3 of the SELLP and Section 12 of the NPPF.

Impacts Upon Resident Amenity

Paragraph 130 of the NPPF 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.

Policies 2 and 3 of SELLP sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

The proposal would not see the creation of any new windows, and therefore, no additional overlooking would occur. The increase in roof height would not create a significant overshadowing concern due to the building's positioning to the north of the neighbouring dwelling.

As detailed above, the scale and design of the proposal is considered to have 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 Section 12 of the NPPF and Policies 2 and 3 of the Local Plan in terms of impact upon residential amenity.

Highway Safety and Parking

Section 9 of the NPPF is titled 'Promoting sustainable transport'. Within this, Paragraph 111 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. Policy 33 further reinforces the need for developments to be accessible via sustainable modes of transport.

Policy 36 of the SELLP, in conjunction with Appendix 6, 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.

Three parking spaces are proposed. This is considered appropriate given the number of bedrooms proposed.

The widening of the dropped kerb will further help access to the site, ensuring two vehicles can enter/ exit at the same time. No objections have been raised by the relevant consultee from the Highway department, stating that the works would not have an unacceptable impact upon highway safety. That being said, a separate application should be made to the Highway Authority for approval of the amended vehicular access.

The proposal would benefit from access to sustainable forms of transport. The site has access to two bus stops within 150 metres, offering links to Boston and Spalding.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Policies 2, 3, 33 and 36 of the SELLP, as well as Section 9 of the NPPF.

Flooding Considerations

Section 14 of the NPPF 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: applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 162 of the NPPF states " 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". The sequential approach is 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 Zone 3 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 SELLP 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.

It is worth noting that large parts of the district of South Holland lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the SFRA as a basis to apply the sequential test.

Within the SFRA the site is classed as "danger for most" with a hazard depth of up to 1 metre.

While no mitigation method is proposed, it is recognised that the retrofitting of this building with meaningful flood risk mitigation techniques is difficult. Strategies such as raising floor levels are creating flood resilient construction are not practical in this instance.

That being said, the removal of the ground floor living accommodation does represent a significant improvement. Previously, the ground floor accommodation would have been at risk of flooding, with no access to a safe refuge.

Overall, when considering the development on balance, and given the mitigation measures detailed and recommended by condition, the proposal accords with Policies 2, 3 and 4 of the SELLP and the intentions of the NPPF with regards to flood risk.

Historic Environment

While the proposal itself is not listed, and is not within a Conservation Area, it is in close proximity to the a number of heritage assets and the historic core of the settlement. As such, Policy 29 of the SELLP and Section 16 of the NPPF are relevant here.

The Conservation Officer has raised no objections, to the proposal, stating that the works would be a marked improvement to the aesthetic quality of the area. The works, while still distinct from the aforementioned heritage assets, would represent a significant improvement, which would enhance the enjoyment of the historic core of the village.

The relevant consultee from the Historic Place Team has stated that the proposal requires no archaeological input.

Planning Balance

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

While the proposal would introduce a unique material and design, it would represent a vast improvement over the existing structure. The new structure, while still unique, would enhance the character of the area. There would be no unacceptable amenity or highway impacts. The proposal would enhance the flood resilience of the site. The Parish Council have stated their support for the proposal.

The proposal conforms to Policies 1, 2, 3, 4, 29, 33 and 36 of the SELLP, as well as Sections 9, 12, 14, 16 of the NPPF.

Conclusion

The recommendation is for delegated approval.

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.