

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H18-0352-19 **Applicant:** Mr A Sukarno

Proposal: Conversion of shop/residential into 3 self-contained units, including new build and alterations.

Location: 8a High Street Sutton Bridge Spalding

Terminal Date: 11th July 2019

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
24	The Retail Hierarchy
29	The Historic Environment
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 7, 9, 12, 14 and 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	1
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1

SHDC INTERNAL	0	0	1	1
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	2	1	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to convert a shop/residential into 3 self-contained units, including a new roof structure on the principal building and a replacement outbuilding.

Site Description

The building, a 19th Century non-designated heritage asset, is located on the corner of High Street and Wharf Street. It is occupied by a former shop/residential and associated outbuilding. Terraced housing is located to the north on the opposite side of Wharf Street and also to the west on the opposite side of High Street. A three storey Georgian terrace is situated to the south fronting Bridge Road.

Policies/Constraints

Inside Sutton Bridge Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019.

Outside Primary Shopping Area.

Previous Decisions

H18-1017-11 - Change of use and conversion of existing shop/accommodation to form 3 apartments and construct 2 new semi-detached dwellings - Refused 16 February 2012.

Representations

Sutton Bridge Parish Council - The site as proposed would be an overdevelopment with insufficient parking. The building should remain two storey and not raise the skyline.

Cllr C J T H Brewis - This largely derelict property has been a problem for some years. I do have some concern about where residents will park on this rather tight, right angled corner.

LCC Highways/SUDs - Does not wish to restrict the grant of permission.

Environment Agency - Request that the development be carried out in accordance with the submitted flood risk assessment, including a non-habitable ground floor.

Environmental Protection Officer - No objection.

Historic Environment Officer - Welcome proposals to bring this locally significant non-designated heritage asset back into use, with the revised plans being much more sympathetic in terms of the proposed new roof structure.

The proposed development does involve the partial demolition and extensive alterations to a little altered historic nineteenth century shop. It is therefore recommended that prior to any development,

demolition, or conversion the developer should be required to undertake full historic building recording in order to preserve by record its historic fabric before it is lost during demolition, replacement or alteration.

Public - Objections received from local resident (summarised):

Overdevelopment; No parking proposed; Concern over lack of parking down this small street; Too narrow for residents to park on both sides; Out of character; Possible overshadowing; Block daylight to properties opposite which are only two storey; Revised application for 2 x 2 storey dwellings would be more acceptable with top of first floor in roof space to address flood regulations.

Letter of support received (summarised):

Site would be much improved and offer housing for first time buyers. Sufficient thought has gone into parking.

Material Considerations

The main issues are:

- Principle;
- Character and amenity;
- Highway issues, including parking;
- Other material considerations such as flood risk.

Principle

Although the property has been unoccupied for many years, its last use was a shop(s) and associated residential. However, the site is outside Sutton Bridge Primary Shopping Area and also the Town Centre as defined in the South East Lincolnshire Local Plan (SELLP), 2019. There is sufficient provision of shops within the settlement and the property has previously been advertised for sale as retail for a significant period without success. It is considered that the proposal would not significantly harm the vitality and viability of Sutton Bridge town centre or any other centre within the hierarchy. The proposal therefore satisfactorily complies with Policy 24 of the SELLP.

The site is inside Sutton Bridge Settlement Limit as defined in the SELLP. Policy 2 indicates that within the settlement boundaries of the 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 meet the service needs of other local communities. No objections are therefore raised in principle to residential.

Character

The building is a two storey 19th Century non-designated heritage asset located on the corner of High Street and Wharf Street. Two storey terraced housing is located to the north on the opposite side of Wharf Street and also to the west on the opposite side of High Street. However, a three storey Georgian terrace is situated to the south fronting Bridge Road.

The most appropriate form of development upon the site would be a conversion of the existing two storey building. However, this is not viable due to the applicant being unable to use the ground floor for habitable rooms to address flood regulations. This is one reason why the building has remained vacant for a significant period.

To achieve a satisfactory level of accommodation, the scheme includes a new roof set behind the existing parapet, which has been slightly increased in height. A similar subservient building is also proposed on the southern part of the site as a replacement of the existing outbuilding, which is of no real architectural merit. The proposal would bring a non-designated heritage asset back into use and is considered to be sympathetic. LCC Archaeology raises no objections to the revised scheme. It is considered that the proposal would not materially harm the character or appearance of the existing street scene.

Amenity

The nearest residential properties are situated to the east (nos. 1B and 1A Wharf St), on the opposite side of High Street and also to the south. In terms of existing housing opposite, overlooking would be synonymous to that normally found along a terraced street. The only upper window proposed on the southern elevation of the existing building is associated with a

kitchen/lounge/dining room and would only overlook 1B at an oblique angle. A kitchen/lounge/dining room window on the rear first floor elevation of the new building would overlook no 1B at closer range. It should therefore be obscure glazed with a restrictor. Upper windows on the southern elevation of the new building face south towards gardens associated with properties off Bridge Road. However, this is at a distance.

It is considered that there would be some overshadowing/blockage of daylight in respect of existing residential properties opposite (eg, 3-6 High St) during the early morning. However, the extent is not considered to be such as to justify refusal and outweigh factors in favour of the scheme.

Whilst there would be some noise and disturbance during the construction stage this would be temporary. It would not be significant once the development was complete and occupied.

Concluding, it is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, overshadowing, overbearing effect, noise and disturbance, etc.

Highway Safety

Concerns have been raised on parking/highway safety grounds. Some on-site parking facilities are available (1 space per unit). On street parking is available within the vicinity. LCC Highways has raised no objections to the proposal on highway safety grounds given the site's location close to the centre of Sutton Bridge.

Other Material Considerations

Flood Risk - The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken.

The Environment Agency's Flood Maps 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. Also, large parts of the South Holland District lie within Flood Zone 3. It is therefore necessary to use the refined flood risk information (Hazard and Depth maps) within the South Holland Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test

The SFRA indicates that the site is within an area identified as "Danger for Most". However, there are not reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding. In this respect, the Authority views reasonably available sites as those that are deliverable and developable (as defined by the National Planning Policy Framework) for the use proposed within the area, can accommodate the general requirements of the development and are, in principle, in conformity with the objectives and advice within the NPPF and its associated National Planning Practice Guidance relating to sustainable development and flood risk.

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 should therefore be applied. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily, while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available. The NPPF and the PPG set out two elements to the Exceptions Test.

First, proposed development is required to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and second, that it will be safe for its lifetime without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. This is aimed at allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available whilst helping ensure that flood risk to people and property will be managed satisfactorily.

In terms of the first element, sustainability issues within South East Lincolnshire are addressed within the South East Lincolnshire Local Plan, 2019. In this respect, the site is within Sutton Bridge development boundary, which is one of the largest settlements within the district. Development is needed in this area to sustain the existing community. The proposal scores positively against the aims and objectives of the Local Planning Authority's sustainability appraisal and would provide wider sustainability benefits to the community that outweigh flood risk. This includes the provision of

additional sustainable housing within the district to meet the needs of the population, as required by the National Planning Policy Framework. It also brings an important non-designated heritage asset back into use.

Concerning the second element, the Environment Agency has recommended that the ground floor be non-habitable and that the development be carried out in accordance with the submitted flood risk assessment. Future occupants are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Drainage - Foul and surface water would be disposed of to the mains sewer.

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 to grant permission 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 to grant permission 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 to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

The proposal would bring a non-designated heritage asset back into use and provide additional residential accommodation within Sutton Bridge. It would not significantly harm the viability/vitality of the town centre, or the character/appearance of the street scene/locality. The proposal would have some impact upon the amenity of nearby residents, but not such as to justify refusal and outweigh factors in favour of the scheme. Concerns have been raised on parking/highway safety grounds. However, some parking is provided on site and LCC Highways raise no objections on highway safety grounds. Flood risk issues can be addressed by means of a condition to ensure the safety of future occupants.