

Development Management Delegated Decision Report

B/20/0485



SUMMARY OF APPLICATION			
Application Reference	B/20/0485		
Application Type	Full Planning Permission		
Proposal	Subdivision of existing dwelling to form a new dwelling with the erection of a side extension and formation of new curtilage		
Location	32, Red Lion Street, Boston, PE21 6PZ		
Applicant	Mr Barker		
Agent	Design & Management.co.uk		
Received Date:	07-Dec-2020	Consultation Expiry Date:	17-Feb-2021
Valid Date:	20-Jan-2021	Statutory Expiry Date:	17-Mar-2021
Date of Site Visit:	27-Jan-2021	Extension of Time Date:	03-Mar-2021
Objections received?	Yes		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
Cllr V Edge	15/04/21	No response received – 26/04/21	Ok
Cllr N Hastie	15/04/21	No response received – 26/04/21	Ok
Recommendation	GRANT Full Planning Permission		
Report by:	Grant Fixter		
Date:	26/04/2021		



OFFICER REPORT

SITE AND SURROUNDINGS:

The application site is within the Boston Town Centre Boundary, Settlement Boundary and Conservation Area, comprising a parcel of land immediately adjacent to No.32 Red Lion Street. The site is essentially surrounded by residential development as it is sited between and adjacent to terraced properties.

DETAILS OF PROPOSAL:

This proposal seeks Full Planning Permission for the subdivision of an existing dwelling to form a new dwelling with the erection of a side extension and formation of new curtilage.

The site obtained planning permission in October 2018 for the erection of a single storey front and rear extension to No.32, and this proposal is for a side extension above the approved extension to now serve a new dwelling.

Full details of the submission are shown on the following plans:

- Site Location Plan 2;
- Existing Layout & Elevations 1:100 Feb 2018;
- Existing Approved Plans & Elevations Feb 2018 (B/18/0381);
- Existing Approved and Proposed Site Layout Plans Nov 2020 1:500
- Proposed Layout - Aug 2019;
- Proposed Elevations 1:100 Aug 2019;

RELEVANT HISTORY:

- B/18/0381 - Erection of single storey front and rear extensions – Approved on 24/10/18;
- B/07/0677 - Resubmitted application for the construction of a new house – Approved on 10/01/08;
- B/07/0328 - Resubmitted application for the construction of a new dwellinghouse – Refused on 24/07/07;
- B/06/0306 - Construction of a house – Refused on 27/06/06;
- B/06/0177 - Installation of two dormer windows – Refused on 28/04/06.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

South East Lincolnshire Local Plan (2011-2036)

The following policies contained within the South East Lincolnshire Local Plan (2011-2036) (i.e. SELLP) are relevant to this application:

- Policy 1 – Spatial Strategy;
- Policy 2 – Development Management;
- Policy 3 – Design of New Development;

- Policy 4 – Approach to Flood Risk;
- Policy 5 – Meeting Physical Infrastructure and Service Needs;
- Policy 10 – Meeting Assessed Housing Needs;
- Policy 11 – Distribution of New Housing;
- Policy 17 – Providing a Mix of Housing;
- Policy 21 – Houses in Multiple Occupation and the Sub-Division of Dwellings;
- Policy 24 – The Retail Hierarchy;
- Policy 25 – Supporting the Vitality and Viability of Boston and Spalding Town Centres;
- Policy 29 – The Historic Environment;
- Policy 30 – Pollution;
- Policy 31 – Climate Change and Renewable and Low Carbon Energy;
- Policy 36 – Vehicle and Cycle Parking.

OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:

National Planning Policy Framework (2019)

At the heart of the 2019 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 2: Achieving sustainable development;
- Section 4: Decision making;
- Section 5: Delivering a sufficient supply of homes;
- Section 7: Ensuring the vitality of town centres;
- 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 16: Conserving and enhancing the historic environment.

CONSULTATION RESPONSES:

Environment Agency

Objected on 05/03/21 and stated the following:

“The site lies within the Hazard category ‘Danger to ALL’ with possible depths of 0.5- 1.0m (max spot depths of 0.8m) in the 2115 0.5% (1in200 year) Tidal breach scenario. Whilst the FRA makes suggestions for what mitigation could be suitable, there is no clear proposal upon which we can make our decision. The local standing advice for a new building in this location would require a FFL 1m above ground level and flood resilient construction techniques.

Overcoming our objection

The applicant can overcome our objection by submitting a FRA which covers the deficiencies highlighted above and demonstrates that the development will be safe, not increase risk elsewhere and where possible will reduce flood risk overall.

If this cannot be achieved we are likely to maintain our objection to the application.

It is appreciated that the proposed development is a change of use, and therefore raising the FFL in line with that required for a new build may not be possible. However the floor level should be raised as far as practical, and other mitigation measures to reduce risk to the property should be proposed, such as flood resilient/resistant construction techniques and 600mm demountable defences.”

The agent prepared a response which was forwarded to the EA for re-consultation. The EA maintained their objection and on 24/03/21 stated the following:

“We would like to clarify the Environment Agency position regards the points raised in Mr Bakers’ response.

This is a sub-division of a property to create a new dwelling, and therefore constitutes a ‘Change of Use’, rather than an extension to an existing dwelling.

Under the National Planning Policy Framework the applicant will need to show in their flood risk assessment that future users of the development will not be placed in danger from flood hazards throughout its lifetime. Depending on the risk, mitigation measures may be needed. It is for the applicant to show that the change of use meets the objectives of the Framework’s policy on flood risk. For example, how the operation of any mitigation measures can be safeguarded and maintained effectively through the lifetime of the development.

The reason for our objection, was due to the lack of clear and specific mitigation proposals. Whilst Mr Baker has said that his client will agree to any mitigation requested, he has still not put forward any clear proposal. It is not for the Environment Agency to specify the mitigation method/s chosen, and we will not remove our objection until this information is received and agreed.

As you will be aware, our modelling needs to reflect the consequence and not the likelihood of flooding. The Barrier reduces the likelihood of flooding, and our modelling will be updated to take into account the changes in the tidal regime between the Barrier and Grand Sluice.

We look forward to receiving a clear and specific proposal for mitigation of risk, to enable us to fully assess this planning application and provide my final response.”

The agent prepared a further response which included mitigation measures and the EA were re-consulted, confirming they withdraw their objection on 12/04/21 subject to a condition being attached to any permission which secures the suggested mitigation measures.

Witham Fourth IDB

Have no objections and request the Board are contacted if there is any change to the surface water or treated water disposal arrangements stated in the application.

Lincolnshire County Council

Have no objections.

Historic Conservation Advisor

Does not object and made the following comments:

- The proposed increase in height and creation of a new dwelling is sympathetic to the character and experience of the existing streetscape;
- In general terms the proposed materials appear acceptable, though red brick material would be preferable to render, despite the immediately adjacent building being render;
- The proposed design and materials are sympathetic to the character of Red Lion Street and the wider conservation area.

THIRD PARTY REPRESENTATIONS RECEIVED:

As a result of the publicity, one objection was received from the occupier of 35 Red Lion Street which is summarised below:

- Surprised to see this submission when there is a proposal for a building extension at No.42;
- Enclosed refusal from 2007 and thought the matter was closed;
- Changes to the River Witham mean the area is no longer a designated flood risk?
- Reduce amount of light to the front of their house;
- Prohibit sunlight during winter months;
- Them, No.33 and No.37 enjoy winter sun, light, improved air circulation and privacy for some 150 years;
- Simply an infill;
- No.42 designed in 19th century and add to architectural interest and variety along Red Lion Street.

EVALUATION:

The key considerations in regard to this application are set out below:

- Principle of development;
- Impact on the character and appearance of the area;
- Impact on the historic environment;
- Impact on residential amenity;
- Highway safety and parking;
- Flood risk.

Principle of development

Policy 1 of the SELLP sets out the settlement hierarchy, stating development will be permitted within the settlement boundaries of the respective settlements providing the proposal supports the designated role of the settlement in which it is to be executed.

As shown on 'Inset Map 1 – Boston' of the SELLP, the site is located within the settlement boundary for Boston which is identified as a Sub-Regional Centre. The

SELLP indicates that development will be permitted in such settlements where it supports their roles as Sub Regional Centres.

The site is within the town centre of Boston, with Policy 24 of the SELLP confirming the town centre of Boston will be the locational focus for town centre uses and that planning permission will be granted for residential development and other commercial uses.

Policy 25 of the SELLP indicates town centres will be the primary destinations for retail and other appropriate uses. This includes supporting the redevelopment of land within the town centre boundary.

Policy 21 of the SELLP relates to the sub-division of dwellings and outlines a number of criteria when applications such as this will be permitted. Whilst the majority of criteria will be discussed in the relevant sections of this report, the below is a brief summary of the proposal against the criteria:

1. it would not result in the loss of family-sized dwellings in high density residential streets of predominantly terraced and/or semi-detached properties;

The proposal is to develop above a previously approved lounge and study to serve No.32 and will not result in the loss of a family-sized dwelling. The proposal is acceptable in this respect.

2. it would not significantly harm the amenities of the occupiers of adjoining or neighbouring properties by way of noise, overlooking, general disturbance or impact on visual amenity;

It is confirmed later in this report that the proposal will not be of detriment to neighbouring amenity. The proposal is acceptable in this respect.

3. it would not have a significant adverse impact on the character and appearance of the area, including the historic and natural environment;

It is confirmed later in this report that the proposal will not negatively impact the character of the area and the historic environment. The proposal is acceptable in this respect.

4. adequate provision is made for the storage and disposal of refuse and recycling;

Provision for the storage of bins is shown on the proposed plans. The proposal is acceptable in this respect.

5. it would not have a significant adverse impact on the surrounding area by way of increased on-street parking, impaired highway safety or by impeding proper access to the area;

Off street parking can be provided and there are no concerns from LCC Highways. The proposal is acceptable in this respect.

6. the site has good access – by walking and cycling – to community facilities, services, public transport and local employment;

The site is within the town centre boundary of Boston which is deemed a Sub-Regional Centre. Access to such facilities and services are easily accessible by walking and/ or cycling. The proposal is acceptable in this respect.

7. an adequate standard of residential accommodation and residential amenity is provided for future occupiers; and

It is confirmed later in this report that the amenity for future occupiers is acceptable. The proposal is acceptable in this respect.

8. adequate provision is made for the communal gardens and amenity areas.

There are some concerns regarding the level of private amenity space for the future occupiers, however, the proposal is in an area where dwellings have small private amenity spaces. On balance, the proposal is acceptable in this respect.

The proposal is for the sub-division of a dwelling's approved ground floor side extension with a further extension above the approved extension to continue the multiple storey terraced development which is within the settlement boundary. The proposal, therefore, would make a limited but positive contribution to housing supply, in addition to being a suitable use of the land in accordance with policies 1, 24 and 25 of the SELLP.

The principle of residential development on this site is acceptable subject to the objectives of the relevant policies in the SELLP as identified above being met.

Impact on the character and appearance of the area

Policy 2 of the SELLP states that proposals requiring planning permission will be permitted provided that sustainable development considerations are met. These include size, scale, layout, density and impact on the amenity, trees, character and appearance of the area as well as the quality of its design and orientation.

Policy 3 of the SELLP states all development must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area.

The proposal is for the sub-division of a dwelling to form a continuation of the multiple storey terraced development along Red Lion Street. The conversion/ extension will be of no detriment to the character of the area, as the scale and appearance of the build will be in keeping with the surrounding residential development. The proposal is, therefore, acceptable in this respect.

Regarding materials, these are outlined in the Heritage Statement which accompanies the submission. Whilst the materials listed could be viewed as acceptable, in some instances more than one is listed. Given the fact the site is within the conservation area it is deemed necessary to know exactly what materials will be used for each external feature of the build. A suitable condition is, therefore, deemed necessary.

The proposed fencing to the rear of the properties is deemed acceptable.

The proposal, therefore, complies with policies 2 and 3 of the SELLP in respect of the character of the area.

Impact on the historic environment

Policy 29 of the SELLP relates to the historic environment. Proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building.

Any proposals affecting the setting of, or affecting views into or out of, a Conservation Area should preserve (and enhance or reinforce, as appropriate) features that contribute positively to the area's character, appearance and setting. Proposals should:

- “1. Retain buildings/groups of buildings, existing street patterns, historic building lines and ground surfaces;
2. Retain architectural details that contribute to the character and appearance of the area;
3. Where relevant and practical, remove features which are incompatible with the Conservation Area;
4. Retain and reinforce local distinctiveness with reference to height, massing, scale, form, materials and plot widths of the existing built environment;
5. Assess, and mitigate against, any negative impact the proposal might have on the townscape, roofscape, skyline and landscape;
6. Aim to protect trees, or where losses are proposed, demonstrate how such losses are appropriately mitigated against.”

Policy 30 of the SELLP will not be permitted where proposals will have adverse impacts upon aspects such as the amenities of the area and the historic environment.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires development which affects a listed building or its setting to be appropriately assessed by the LPA and ensure its historic interests and setting are preserved. It is considered that there is sufficient distance between the site and relevant listed buildings/structures that there would be no harm arising and thus this matter is given no further consideration.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires attention to be paid to the desirability of preserving or enhancing the character and appearance of the area.

As previously outlined, a number of materials have been proposed but in some instances, more than one have been listed. Given the historic sensitivity of the site it is considered important such details are secured through planning condition.

The Historic Conservation Advisor stated the proposed increase in height and creation of a new dwelling is sympathetic to the character and experience of the existing streetscape. In addition, they outlined red brick would be preferred over render. The officer is in agreement with this and whilst there are examples of render in the area, red brick would be preferred.

The Conservation Advisor concludes that subject to materials, the proposed design and material are sympathetic to the character of Red Lion Street and the wider conservation area, which the officer concurs with.

It is therefore considered the proposed development would cause no harm to the Boston Conservation Area or Listed Buildings within the vicinity of the site and as such complies with policies 2, 3, 29 and 30 of the SELLP in respect of impact on the character of the area and the historic environment.

Impact on residential amenity

SELLP Policies 2, 3 and 30 seek to ensure that a new development does not significantly impact neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.

From review of the submission, the proposal will not lead to an increase in any existing overlooking or loss of privacy issues. The scale of the build is in keeping with the surrounding residential development so will neither be overbearing, nor lead to overshadowing.

The objector raised concerns regarding natural light for their property and whilst this is a material consideration, the area is densely developed with residential dwellings and their property will still receive adequate amounts of natural light.

The rear private amenity areas are small and of some concern, however, when comparing with surrounding properties private amenity space, the amount is on the upper limit of acceptability.

The proposal, therefore, complies with policies 2, 3 and 30 in respect of residential amenity.

Highway safety and parking

Policy 36: Appendix 6 of the SELLP relates to parking standards. It requires 2 spaces for dwellings with up to 3 bedrooms and 3 spaces for dwellings with 4 or more bedrooms. It also requires 1 cycle space within each residential plot.

In order to be policy compliant, the proposal should provide two parking spaces for the existing and proposed unit, equating to 4 spaces. From the proposed plans, this is not the case and there is only provision for one parking space per dwelling.

Ordinarily, a residential scheme would not be supported if it could not supply adequate parking provision in accordance with policy. This proposal, however, is within the town centre boundary of Boston, a Sub-Regional Centre with good transport links. It could be argued that the dependency on a vehicle is, therefore, reduced and the provision of one parking space is enough.

When considering the planning balance, the location of the site, the impacts the required parking provision would have on amenity and the fact Highways have no pressing concerns, on this occasion a lack of parking is deemed acceptable.

It must be expressed this is only site specific and will not set a precedent for future decisions, as each application must be assessed on its own merits.

Flood risk

Policy 4 of the SELLP states a proposed development within an area of flood risk (Flood Zones 2 and 3) will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding, that it is essential infrastructure in FZ3a & FZ3b, it is highly vulnerable development in FZ2 or is more vulnerable development in FZ3 provide wider sustainability benefits to the community that outweigh flood risk. Where supported by a site specific flood specific risk assessment a criteria will need to be adhered to.

The application site is within Flood Zone 3 and after re-consultations with the EA, the scheme is now deemed acceptable on flood risk grounds subject to the following mitigation measures being secured through a planning condition:

- 600mm demountable defences;
- Flood resilience and resistance measures to be incorporated into the proposed development to 300mm above the predicted flood depth.

CONCLUSION:

The application site is within the settlement boundary and town centre boundary for Boston. The proposed sub-division of the existing dwelling is an appropriate use of the site when considering surrounding development and the requirements of policies 1, 21, 24 and 25 of the SELLP.

The proposal will not be of detriment to the character and amenity of the area, whilst it has been proven the proposal will be safe from flooding.

Whilst the proposal is not policy compliant on parking grounds, when considering the planning balance, the location of the site and the fact Highways have no pressing concerns, on this occasion a lack of parking is deemed acceptable.

The proposal, therefore, complies with both local and national policy. Accordingly, it is recommended to grant planning permission subject to conditions.

RECOMMENDATION:

GRANT Full Planning Permission subject to the following condition(s) and reason:-

CONDITIONS / REASONS			
Pre-commencement conditions?		Agreed with applicant/agent - Date:	
The development hereby permitted shall be begun before the expiration of four years from the date of this permission.			
Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory			

Purchase Act 2004.
<p>The development hereby permitted shall be carried out in strict accordance with the application received on 20/01/2021 and in accordance with the associated plans referenced:</p> <ul style="list-style-type: none"> ▪ Site Location Plan 2 – Received on 15/04/21; ▪ Proposed Layout - Aug 2019; ▪ Proposed Elevations 1:100 Aug 2019. <p>Reason: To ensure the development is undertaken in accordance with the approved details, in accordance with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan (2011-2036) and with the intentions of the National Planning Policy Framework (2019).</p>
<p>No development shall take place above ground level until details of the materials proposed to be used in the construction of the external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure the development is in keeping with the character of the area and respects the historic environment in accordance with Policies 2, 3 and 29 of the South East Lincolnshire Local Plan (2011-2036).</p>
<p>Before any development is commenced above ground level a sample panel of the materials to be used for the external walls shall be prepared on site for inspection and approval in writing by the Local Planning Authority. All external work shall be constructed to match the approved panel.</p> <p>Reason: To ensure a satisfactory external appearance in the interests of the appearance of this part of the Conservation Area in accordance with Policy 29 of the South East Lincolnshire Local Plan (2011-2036).</p>
<p>The development permitted by this planning permission shall be carried out in accordance with the following mitigation measures detailed within the objection response dated 26/03/21:</p> <ul style="list-style-type: none"> ▪ 600mm demountable defences; ▪ Flood resilience and resistance measures to be incorporated into the proposed development to 300mm above the predicted flood depth. <p>The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.</p> <p>Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with Policy 4 of the South East Lincolnshire Local Plan (2011-2036).</p>
<p>The water consumption of each dwelling hereby permitted should not exceed the requirement of 110 litres per person per day (as set out as the optional requirement in Part G of the Building Regulations 2010 and Policy 31 of the South East Lincolnshire Local Plan (2011-2036).</p> <p>The person carrying out the work must inform the Building Control Body that this duty applies.</p>

A notice confirming the requirement for the water consumption has been met shall be submitted to the Building Control Body and Local Planning Authority, no later than five days after the completion of each individual dwelling.

Reason: To protect the quality and quantity of water resources available to the district. This condition is imposed in accordance with Policy 31 of the South East Lincolnshire Local Plan (2011-2036).

**INFORMATIVES / NOTES
TO BE INCLUDED ON/WITH DECISION NOTICE**

STATEMENT OF PROACTIVE WORKING:

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2019 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.