DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H18-0191-20**	**Applicant:**	**Mr J Hook**
Proposal:	Residential development comprising 3 units		
Location:	Adj. 236 Bridge Road Sutton Bridge Spalding		
Terminal Date:	28th April 2020		

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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 9, 11, 12 and 14

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SOUTH HOLLAND INTERNAL DRAINAGE BOARD	0	0	0	1

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

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for 3 no. 2 bedroom dwellings.

Site Description

The site is presently garden associated with 236 Bridge Road. Vehicular access can be gained from both Bridge Road and also Chestnut Terrace.

No. 236 Bridge Road, which is an end terrace, is situated to the east and a pair of semi-detached houses to the west. A pair of semi-detached houses and associated gardens are also located to the north.

History

H18-0347-90 - Outline - Erection of dwelling house including details of means of access - Granted.

H18-0226-93 - Outline - Erection of dwelling house including details of means of access (Renewal of planning permission H18/0347/90) - Granted.

Consultation Responses

Sutton Bridge Parish Council - Over development of site. Not in keeping with the street scene.

LCC Highways/SUDS - Highlights parking issues and lack of manoeuvrability.

South Holland Internal Drainage Board - Recommend drainage strategy.

SHDC Environmental Protection - No comment or objection.

Environment Agency - Request condition re finished floor levels and flood resilient construction

Public - Objections received from local residents (summarised):
Overlooking; noise/disturbance; Block shared access; Other access issues; Where will construction traffic gain access?

Planning Considerations

The main issues in this case are:
1. The principle of residential development;
2. Character and amenity issues;
3. Parking Issues/highway safety;
4. Flood Risk/drainage

Principle/sustainability

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The site is inside Sutton Bridge Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. Policy 1 (Spatial Strategy) indicates that within Main Service Centres, including Sutton Bridge, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps to meet the service needs of other local communities. No objections are therefore raised in locational terms.

Character/appearance and amenity

The proposed development would be large and set back behind no. 236 Bridge Road. It is considered that the proposal, by virtue of its scale, height and massing, would constitute an unsatisfactory and incongruous form of overdevelopment that would have an unsatisfactory relationship with no. 236 and harm the character/appearance of the street scene. This would be accentuated by the fact that finished floor levels would have to be raised by 1 metre to address flood risk.

The proposal is therefore in conflict with Policies 2 and 3 of the SELLP. They indicate that new development should have a satisfactory relationship to existing development and respect the character of the area.

In terms of amenity, the scheme has been designed to alleviate overlooking of neighbouring property at close range, subject to appropriate boundary screening. Overshadowing would not be such as to justify refusal. However, the level of activity upon the site and general comings and goings would be such that the amenity of neighbouring properties and no. 236 in particular would be materially harmed in terms of noise and disturbance.

Moreover, each dwelling, including no. 236 itself, would have very little garden or private amenity area, to the detriment of future occupiers of the properties.

The proposal is therefore in conflict with Policies 2 and 3 of the SELLP. They indicate that new development should be of high quality in terms of design and layout and have a satisfactory impact upon existing and future residents/occupiers.

Highway safety

The overall layout and density is such that it would be difficult to manoeuvre cars in and out of the designated car parking spaces. Also, 6 car parking spaces are to be provided on site. Whilst this satisfies parking provision for the 3 new properties, it leaves no. 236 with no on plot provision.

Consequently, the proposal fails to accord with Policy 36 of the SELLP, 2019 concerning car parking provision.

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 Sequential Test is a decision making tool designed to ensure that areas at little or no risk of flooding are developed in preference to areas of higher risk. For development to pass the sequential test it has to be demonstrated that there are no reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding.

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 East Lincolnshire Strategic Flood Risk Assessment (2017) as a basis to apply the sequential test.

The SFRA indicates that the site is located 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, it is considered that the proposal would not provide wider sustainability benefits that would outweigh flood risk due to the social and environmental harm that it would cause in terms of its effect upon the character/appearance of the area and also residential amenity. The proposal is not therefore in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, 2019.

Conclusion

The proposal, by virtue of its position, scale, height and massing, would constitute an inappropriate and incongruous form of development that would have an unsatisfactory relationship with no. 236 Bridge Road and also harm the character/appearance of the street scene. This would be accentuated by the fact that finished floor levels would need to be raised by 1 metre to address flood risk.

Also, the proposal would constitute a form of overdevelopment with unsatisfactory private amenity space and parking facilities for future occupiers of the properties and occupiers of No. 236 Bridge Road. Moreover, the general level of activity upon the site, including the regular coming and going of vehicles, would be such that the amenity of neighbouring properties and no. 236 in particular would be materially harmed in terms of noise and general disturbance.

The proposal is therefore in conflict with Policies 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019. Policies 2 and 3 indicate that new development should have a satisfactory relationship to existing development and respect the character/appearance of the area. It should also be of high quality in terms of design and layout and have a satisfactory impact upon existing and future residents/occupiers. Policy 36 (in conjunction with Appendix 6) sets out minimum parking standards for new development. These policies are in accordance with advice within the National Planning Policy Framework, 2019. For example, paragraph 127 indicates that planning policies and decisions should ensure that new development should add to and be sympathetic to the local area and have a high standard of amenity for existing and future users.

In terms of flood risk, it is considered that the proposal fails the exception test because it would not provide wider sustainability benefits that would outweigh flood risk due to the social and environmental harm that it would cause in terms of its effect upon the character/appearance of the area and also residential amenity. The proposal is not therefore in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, 2019.

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.