

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H18-0191-21	Applicant:	K L A Property Services Ltd.
Proposal:	Erection of Dwelling		
Location:	Off Wharf Street Sutton Bridge Sutton Bridge		
Terminal Date:	11th May 2021		

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
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 4, 5, 12, 14 and 15

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	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	0	0	0	1

BOARD				
RESIDENTS	2	0	0	2

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a 3 bedroom chalet type property with a gambrel roof (ridge height some 6.6 metres), plus single garage at the front of the property. Finished floor levels would be set at 4.8m aOD to address flood risk.

It should be noted that full planning permission was granted for a 2 bed one and a half storey dwelling with front dormers in January 2017 (ref. H18-1057-16).

Site Description

The site is situated at the western end of Wharf Street and is currently garden land. A bungalow (Monette) is located to the west beyond a driveway and commercial premises (store) to the east. Properties located off Bridge Road are situated to the south. Bungalows are situated to the north on the opposite side of Wharf Street.

Relevant History

H18-1057-16 - Full - Residential development - one dwelling - Granted 25 January 2017.

Consultation Responses

Sutton Bridge Parish Council - No response.

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

Environment Agency - Request condition.

Public - Objections/comments received (summarised):

Out of character - only bungalows within this part of Wharf Street; Overlooking/lack of privacy; Overshadowing; Blockage of sunlight; Only bungalows within this part of Wharf Street; Wharf Street unsuitable for additional development at this point (potholes, etc); Accentuate traffic and parking issues at this end of Wharf Street, which is only a cul-de-sac; Construction vehicles cause problems; Increase congestion; family home - all neighbours are elderly; Request retention of trees; Recommend the installation of swift nest boxes within the fabric of the buildings.

Planning Considerations

The main issues in this case are:

1. The principle of residential development;
2. Character/appearance;
3. The likely affect upon the amenity of nearby residents;
4. Highway safety/parking issues;
5. Flood risk/drainage;
6. Other material considerations.

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

In terms of character, the western section of Wharf St is characterised by bungalows, including Monette to the west. A commercial building is situated to the east.

The proposed dwelling is one and a half storey to address flood risk issues. Amended plans have been submitted reducing its ridge height to some 6.6 metres, which is approximately 1.9 metres higher than Monette and 1.1 metres higher than Sheiling, which is a relatively new bungalow on the opposite side of Wharf St. The property has a gambrel roof, unlike other dwellings in the vicinity. However, there is an eclectic mix of properties within the vicinity in terms of design and appearance. A garage is proposed within the front garden; however, the neighbouring sheds to the east are set well forward. It is considered that the proposed dwelling would not materially harm the character or appearance of the locality.

The proposal is therefore consistent 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.

Amenity

A bungalow (Monette) is located to the west beyond a driveway and commercial premises (store) to the east. Properties located off Bridge Road are situated to the south. Bungalows are situated to the north on the opposite side of Wharf Street.

In terms of design, all openings are at the front and rear. There are no openings on the western elevation facing Monette. A raised patio area at the rear has been omitted from the scheme at the request of planning officers and is now at ground level. Proposed screening along the southern (rear) boundary would consist of 2 metre high timber fencing with 500mm trellis on top to help protect the amenity of occupiers of 104 and 106 Bridge Road, given that finished floor levels need to be raised by 1 metre to address flood risk. A rear bedroom window (Bed 3) is proposed; however, it is some 6.4 metres from the rear boundary at the nearest point and two existing trees (Silver Birch and Holly) would be retained. It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc.

It is appreciated that there would be some noise and general disturbance at the construction phase. However, this would be temporary and does not outweigh other factors in favour of the scheme.

The proposal is therefore considered to be consistent with Policies 2 and 3 of the SELLP. They indicate that new development should have a satisfactory impact upon existing residents.

Highway safety

Local residents have objected on grounds that the proposal does not have sufficient on-site parking and would exacerbate existing parking problems along this section of Wharf St. The proposal is for a three-bedroomed property. Policy 36 of the SELLP requires two on-site parking spaces in such cases. Two spaces are proposed within the curtilage of the site, plus the single garage, and are considered appropriate for the size of dwelling. The access point is an existing vehicular access to the site, so no vehicles can legally park on-street where the driveway is proposed. Accordingly, there should be no loss of on-street parking.

It has previously been recognised that there might be a loss of car parking for 108 Bridge Road (Cindy's Ladies Fashions) if residents or customers of that premises presently park on the application site. This may lead to an increase in demand for car parking spaces on Bridge Road, as opposed to Wharf St, but this is not seen as an overriding problem.

Whilst the concerns of the residents of Wharf Street are understandable, the County Highways Authority considers that the proposal would not result in an unacceptable impact upon highway safety. Consequently, it does not wish to restrict the grant of planning permission on highway grounds.

The proposal therefore satisfactorily complies with Policies 2, 3 and 36 in terms of highway safety/parking requirements.

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 All". However, 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 in this case that the proposal would provide wider sustainability/community benefits that would outweigh flood risk in the sense of providing additional housing within the settlement and helping support its role as a service centre, as required by Policy 1 of the SELLP.

Concerning the second element, the Environment Agency has recommended that the development be carried out in accordance with the submitted flood risk assessment, including/plus the following mitigation measures. Finished floor levels shall be set no lower than 4.8 metres above Ordnance Datum (AOD), which is 1 metre above the ground level. Demountable defences shall be included up to 0.6 metres above finished floor level. Flood resilient construction shall also be included up to a height of 0.3 metres above the predicted flood level of 5.3 metres AOD.

Ecology

A third party has requested the installation of swift nest boxes. Both the SELLP and Framework indicate that opportunities should promote biodiversity enhancements in respect of new development. A condition is therefore considered justifiable in this case.

Planning Balance

The site is in a sustainable location and the amended proposal would not materially harm the character or appearance of the locality or amenity of nearby residents. LCC Highway have raised no objections on highway safety/parking grounds. The proposal is therefore generally in accordance with Policies 1, 2, 3 and 36 of the South East Lincolnshire Local Plan, 2019.

Concerns relating to amenity, noise/disturbance, highway safety/parking issues and possible flood risk, etc are material considerations but are not sufficient in this case to indicate against the proposal and to outweigh factors in favour of the proposal and the policies referred to above, subject to safeguarding conditions.

Conclusion

The planning balance is in favour of the proposal. It is therefore recommended that the application be approved under delegated powers.

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.

Recommendation

That the application be granted under delegated powers, subject to conditions.