

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-0655-24 **Applicant:** Mr Bissett

Proposal: Demolition of workshop (retaining northern and eastern boundary walls of building to create garden walls) & erection of dwelling

Location: Rear Of 9 New Road Sutton Bridge Spalding

Terminal Date: 1st October 2024

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

National Guidance

National Planning Policy Framework 2023

Section 2 - Achieving sustainable development
Section 4 - Decision-making
Section 5 - Delivering a sufficient supply of homes
Section 9 - Promoting sustainable transport
Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	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
RESIDENTS	4	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an outline planning application seeking permission for the demolition of a workshop and erection of a dwelling to the rear of 9 New Road, Sutton Bridge.

Site Description

The site is located within the defined settlement boundary of Sutton Bridge as outlined in the South East Lincolnshire Local Plan, 2019 (SELLP).

History

No relevant planning history.

Consultation Responses

Sutton Bridge Parish Council

At a meeting on 24th September 2024 Sutton Bridge Parish Council resolved to support the application.

Lincolnshire County Council Highways

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South Holland Internal Drainage Board

No objections.

Environment Agency

Environment Agency position

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment dated August 2024, ref: '9 New Road, Sutton Bridge', prepared by S M Hemmings and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 4.65 metres above Ordnance Datum
- The dwelling shall have a minimum of two storeys
- Flood resilience and resistance measures shall be incorporated into the development, to a minimum of 0.3 metres above the predicted flood level
- Demountable defences/flood doors shall be provided to a height of 600mm above the finished floor level. These mitigation measures shall be fully implemented prior to occupation and shall be retained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants in

South Holland District Council Environmental Protection

No comments.

Public Representations

- Loss of light/overshadowing
- The single skin walls to be retained are in poor condition with crumbling mortar joints, poorly filled in openings and spalling brickwork with the brick surface breaking away from the main body
- Overlooking
- Harris fencing during construction will obstruct the alleyway
- To build a dwelling, this would cause more disruption to King's Street entrance and disruption to rear of Bridge Stores shop with this in mind would add extra traffic to Queen Street for the people who live at the bottom of King Street
- In terms of blockage, if emergency services were needed, especially fire, they would struggle or not be able to get down the side of the property.
- It's worth pointing out too that the owner has already been living in the workshop, illegally

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations and Drainage
- Biodiversity

Evaluation

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

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms 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 (December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

Planning Considerations

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that 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 housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework 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 in respect of sustainable development 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.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Main Service Centres, 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.

The National Planning Policy Framework, (NPPF) (December 2023) outlines, within para 60, that "to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay and that land with permission is developed without unnecessary delay".

Para 70 of the NPPF (December 2023) also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The application site in this instance is within Sutton Bridge, a Main Service Centre, and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of residential development within this location would typically be considered appropriate, where development comprises infill development or that on allocated/ committed sites. Main Service Centres are defined within the Local Plan as areas that 'consist of those settlements seen to perform significant service roles for quite wide areas of South Holland'.

Whilst it is noted that the site lies within the defined settlement boundaries, Policy 1 identifies that within Main Service Centres development would 'normally' be limited to allocated and committed sites and infill. Although this does not specifically identify that all development proposal's within 'Main Service Centres' must be infill, committed or allocated sites, this is consideration of the policy. In this context, development that is not considered infill development or on committed/ allocated site, should typically be limited to those that have a justifiable reason to be located in such sites.

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

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed and beautiful places' and details that "The 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 135, contained within Section 12 of the National Planning Policy Framework (December 2023), 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.

Development proposals should also ensure that 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 South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it 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.

It is important to note that whilst detailed elevational plans have been submitted within this application, due to it being in outline stage these cannot hold weight in an approval or refusal as all matters are currently reserved. If permission was granted these plans could potentially change during the formal submission of a reserved matters application and therefore they will be treated as a rough guide of what could be sited within this plot.

Whilst these plans have been submitted there is currently no mentioning of potential materials, in any case, if outline approval is granted, the subsequent reserved matters application would be submitted with the LPA being required to assess the exact detail of the proposal, including to ensure that the materials are in keeping with the character of the area with the visual amenity of the development being determined when these details have been provided.

At this stage the design appears to be a chalet style bungalow with rooms on both floors, of course, this could change at reserved matters stage. Furthermore, although indicative, a block plan has been provided which shows the potential siting of the proposed dwelling - it is most likely that the dwelling would be located here due to the limited size of the plot therefore limiting the relocation within the plot itself. From this it is considered that any potential dwelling being located as a result of the demolition of this workshop would appear cramped and contrived due to the minimal capacity it has to offer. The only real change that could be made would be to make the dwelling itself smaller or set it back further within the plot however this is not considered to be a suitable enough change that would resolve these issues and make it any more acceptable. In addition to this, the plot only has a rear amenity space of 4805mm in this indicative plan and if the dwelling was to be moved further back this would drastically reduce the garden space for residents.

It is therefore considered that as the plot as a whole is small it is not capable of hosting a new property even with significant changes and a dwelling would not be suitable in this position or location and should be refused due to this reason.

Taking account of the scale and nature of the development, as detailed above, the proposal is considered to be unacceptable. The proposal would cause an adverse impact to the character or appearance of the area and would therefore be in conflict with Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/ Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

Despite the plans being indicative at this stage, when the Flood Risk Assessment and the comments from the Environment Agency are taken into consideration it would be considered that there is the potential for material overshadowing from a proposed dwelling due to it needing to be at least two stories plus needing to have a finished floor level of 1m. This would result in an unacceptable impact on the neighbours particularly due to the height and positioning causing loss of light to No. 9's rear garden.

Furthermore, providing no windows are introduced on the western elevation this would ensure that no material overlooking would occur however this would be something that is assessed under a reserved matters application should approval be granted at outline stage.

It is therefore considered that due to the concerns raised above regarding the potential for overshadowing from significantly raised floor levels this would cause an unacceptable impact on the neighbours and directly conflicts with Policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Flood Risk and Drainage

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: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 162 details "The 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", with the sequential approach being 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.

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

The site lies within Flood Zone 3 of the Environment Agency's Flood Maps. The latter 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. However, the maps are broad brush and do not take into account any flood defences. 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 application site is located within Flood Zone 3 and an area of Danger for All Hazard Zone of the Strategic Flood Risk Assessment. Due to the potential high flood risk, a flood risk assessment has

been submitted alongside this application - this identified risks and mitigation measures. The main risk of flooding for this site are if there is a breach in the west bank of the tidal River Nene however this risk is considered to be low, a flood map within the FRA predicts flood depths of above 1.0 metre on the actual site with a further map predicting that the road level opposite the south east corner of the building is 3.65m OD with the flood depth at this point of 1.0 metre. It is therefore concluded that the maximum predicted flood depth on the site will not exceed 1.0 metre above the level of King Street, and therefore the floor level of any residential building on the site will need to be raised by 1.0 metre.

The recommendations state that 'In any area at risk of flooding it is recommended that all new dwellings should be of two storey construction with all bedrooms at first floor level' This is to provide a safe space for residents should flooding occur. The ground floor level of the proposed dwelling is therefore to be a minimum level of 4.65m OD which is 1.0m above the road level. Further floor resilient construction should be incorporated to a minimum height of 300mm above the predicted flood level, demountable defences should be provided to 600mm above ground floor level on every external doorway. The Environment Agency were consulted on this application and raised no objection to the proposal but have recommended a condition be attached to the decision notice should it be approved, this reads as follows -

Environment Agency position

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition:

The development shall be carried out in accordance with the submitted flood risk assessment dated August 2024, ref: '9 New Road, Sutton Bridge', prepared by S M Hemmings and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 4.65 metres above Ordnance Datum*
- The dwelling shall have a minimum of two storeys*
- Flood resilience and resistance measures shall be incorporated into the development, to a minimum of 0.3 metres above the predicted flood level*
- Demountable defences/flood doors shall be provided to a height of 600mm above the finished floor level*

These mitigation measures shall be fully implemented prior to occupation and shall be retained thereafter throughout the lifetime of the development.

Reason:

To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy 4 of the South East Lincolnshire Local Plan 2011-2036.

If this application were to be approved conditions would be imposed to ensure it is built in accordance with the flood risk assessment and the Environment Agencies comments - in doing so would ensure that residents would be safe in the property following its construction. Although there is a notably high flood risk in this area, the recommendations and conditions allow the proposal to remain acceptable and in accordance with policies.

Overall, when considering the development on balance, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan 2019 and the intentions of the National Planning Policy Framework 2023 in this regard.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (2023) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2023) 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.

Further, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms.

The floor plans provided at this stage show that there will be three bedrooms on site, of course, this is still indicative so there is potential for this to be altered however this would be unlikely due to there being minimal additional room for extra bedrooms. In any case, at least two vehicles space are needed. A garage is shown on the first floor and is large enough to store a vehicle with no other area being provided for off street parking, despite this, it is common for residents to park their vehicles on the street along New Road due to the nature of the area and this should therefore not create significant or material harm in this instance.

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Planning Balance

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

The proposal represents inappropriate development within the defined settlement boundary. The development hereby proposed materially harm the character and appearance of the locality due to its cramped and contrived nature, plus harms the amenity of nearby residents due to it needing to be significantly raised from existing ground level. Whilst it does not provide adequate parking on site, on street parking will be provided for residents. It therefore does not conform with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are material considerations that weigh against the proposal and as such, the planning balance is not in favour of the development.

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.

Conclusion

Taking the above considerations into account, the proposal is considered to be in accordance with Policy 1 and 4 but not in accordance with Policies 2 and 3 and not in direct accordance with Policy 36 (Appendix 6) and despite being in accordance with some policies the ones it does not accord with hold more weight in this instance to warrant a refusal due to the reasons mentioned in the above sections of the report. They are significant factors in this case that outweigh the consideration in favour of the proposal.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be refused under Delegated Authority.