

## DECISION DELEGATED TO HEAD OF PLANNING

**Application No:** H18-0799-22      **Applicant:** Mrs A P Cox

**Proposal:** Erection of pair of 2 bed semi-detached houses with access from Wharf Street - approved under H18-0734-17. Modification of Condition 2 to allow amendments to previously approved plans.

**Location:** Rear Of Bridge Hotel Bridge Road Sutton Bridge

**Terminal Date:** 21st October 2022

### 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           |
| 17         | Providing a Mix of Housing            |
| 36         | Vehicle and Cycle Parking             |
| APPENDIX 6 | Parking Standards                     |

#### National Guidance

#### National Planning Policy Framework 2021

- 5 - Delivering a sufficient supply of homes
- 12 - Achieving well-designed places
- 14 - Meeting the challenge of climate change, flooding and coastal change

### Representations:

|                                                        | Object | Support | No Obj. | Comments |
|--------------------------------------------------------|--------|---------|---------|----------|
| PARISH COUNCIL                                         | 0      | 0       | 0       | 0        |
| WARD MEMBER                                            | 0      | 0       | 0       | 0        |
| PLANNING LIAISON<br>OFFICER - FLOOD RISK<br>ASSESSMENT | 0      | 0       | 0       | 1        |

## **CASE OFFICER ASSESSMENT**

### **PROPOSAL**

This is a retrospective Section 73 application at the Rear of Bridge Hotel, Bridge Road, Sutton Bridge for the erection of pair of semi-detached houses with access from Wharf Street. This development was originally approved under H18-0734-17 and this application seeks the modification of Condition 2 to allow amendments to previously approved plans.

Unit 1 has undergone an internal rearrangement at ground floor level. The room uses are the same and will be a lobby, wc, utility and kitchen. At first floor level internal alterations will occur to provide two bedrooms, a shower room, landing and a lounge. Externally the staircase to the entrance door is now less steep and the rooflight serving the first landing will remain in place.

Unit 2 will now contain a utility room, lobby, kitchen and wc. The ground floor south elevation window serving the kitchen will now be wider as it was previously narrow and obscure glazed serving a wc. At first floor level a bedroom, bathroom, landing and lounge will be provided with first floor fenestration remaining the same. At second floor level what was previously approved as a single bedroom will now be two bedrooms. Two rooflights were previously provided in the southern elevation, now one to the south and one to the north are proposed. A new second floor western side elevation window is provided. This window faces the blank side elevation wall and roof of a property named Palma to the west. There is a narrow side elevation window at the second floor of Palma but due to the separation distance and the need to raise finished floor levels there is no overlooking aspect. The roofspace above Unit 2 has been raised to facilitate this additional second floor bedroom. A western side elevation ground floor door has been provided adjacent to the 2 metre high boundary fence with the property named Palma beyond.

### **SITE DESCRIPTION**

The site is within defined settlement limits and the surrounding area is characterised by buildings of varying ages and design. The dwellings are located in Environment Agency Flood Zone 3 and in a "Danger for All" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. To address flood risk, no habitable rooms are to be provided at ground floor level.

### **RELEVANT HISTORY**

#### **H18-0087-07**

Full - Erect one pair of 5 bed semi-detached town houses - Approved - 26 April 2007.

#### **H18-1677-07**

Full - Proposed 3 terraced, three-bed town houses - Refused - 29 February 2008.

#### **H18-0996-09**

Full -Erection of pair of 2 bed semi-detached houses - Approved - 22 July 2011.

#### **H18-0567-14**

Full - Erection of pair of 2 bed semi-detached houses with access from Wharf Street - Approved - 01 September 2014.

#### **H18-0734-17**

Full - Erection of pair of 2 bed semi-detached houses access from Wharf Street - Approved - 11 September 2017.

#### **H18-0883-20**

Section 73 Continuation - Erection of pair of 2 bed semi-detached houses with access from Wharf Street - approved under H18-0734-17. Modification of Condition 2 to allow amendments to previously approved plans - Approved - 01 December 2020

H18-0884-20

Condition Compliance - Details of site levels (Condition 6 of H18-0734-17) - Approved - 01 December 2020

## **CONSULTATION RESPONSES**

Environment Agency

*"We have reviewed the amendments to the previously approved plans, and are satisfied that condition 2 can be modified as stated."*

## **PLANNING CONSIDERATIONS**

Assessment against SELLP Policy 1 - Spatial Strategy

When assessed against the relevant criteria the following can be observed:

The dwellings will support Sutton Bridge's role as a main service centre and help sustain existing facilities.

This application accords with SELLP Policy 1

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout is not materially altered from that previously approved under applications H18-0734-17 and H18-0883-20. No trees have been removed to facilitate these dwellings. There will not be a material impact on the character and appearance of the surrounding area as a result of the dwellings.
2. The raised floor levels are to mitigate against flood risk and the orientations minimise amenity and character impact.
3. The materials are Marley Monarch Grey tile with a Turka Dark Red Multi brick. These materials are in keeping with the built character of the surrounding area.
4. The existing accesses will not be altered and there is not considered to be a material increase in vehicle generation. The provision of one off road parking space does not accord with Appendix 6 of the South East Lincolnshire Local Plan requiring a minimum of two for dwellings with three bedrooms or fewer. However, the original approval was granted in September 2017 prior to adoption of the plan in 2019, therefore, there is not a requirement to increase the level of off road parking provision.
5. The capacity of existing community services and infrastructure is not materially impacted by this proposal.
6. There is not considered to be a material noise, odour or disturbance impact from the amendments. With regard to visual intrusion the following can be observed:

Overdevelopment - The footprint of the dwelling has not materially altered since the original approval and ample amenity space remains to the front and rear of the properties.

Overlooking - A new rooflight is installed on the northern elevation roofslope of Unit 2. This rooflight and the one to the rear are 1.8 metres above ground level so will not constitute a material overlooking impact. A new second floor western side elevation window is provided in Unit 2. This

window faces the blank side elevation wall and roof of a property named Palma to the west. There is a narrow side elevation window at the second floor of Palma but due to the separation distance and the need to raise finished floor levels there is no overlooking aspect.

Overshadowing - The footprint of the building is not closer to Palma than previously approved. Whilst the height of the roof above Unit 2 is raised this will not materially alter any overshadowing impact which would predominately impact the rear garden of Palma. There is no overshadowing impact on any other buildings when right to light lines are drawn no other properties are impacted.

7. The dwellings are located in Environment Agency Flood Zone 3 and in a "Danger for All" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. To address flood risk, no habitable rooms are to be provided at ground floor level. Surface and foul water will be addressed by mains drainage.

This application accords with SELLP Policy 2.

#### Assessment against SELLP Policy 3 - Design of New Development

When assessed against the relevant criteria the following can be observed:

1. The size, scale and layout is not materially altered from that previously approved under applications H18-0734-17 and H18-0883-20. No trees have been removed to facilitate these dwellings. There will not be a material impact on the character and appearance of the surrounding area as a result of the dwellings. A sense of place is not impacted by the amendments.

4. The proposal site is close to Bridge Road which is served by buses that travel to Wisbech, Kings Lynn and Spalding.

5. Ample space remains on site for cycle and bin storage. The existing accesses will not be altered and there is not considered to be a material increase in vehicle generation. The provision of one off road parking space does not accord with Appendix 6 of the South East Lincolnshire Local Plan requiring a minimum of two for dwellings with three bedrooms or fewer. However, the original approval was granted in September 2017 prior to adoption of the plan in 2019, therefore, there is not a requirement to increase the level of off road parking provision.

11. There is not considered to be a material noise, odour or disturbance impact from the amendments. With regard to visual intrusion the following can be observed:

Overdevelopment - The footprint of the dwelling has not materially altered since the original approval and ample amenity space remains to the front and rear of the properties.

Overlooking - A new rooflight is installed on the northern elevation roofslope of Unit 2. This rooflight and the one to the rear are 1.8 metres above ground level so will not constitute a material overlooking impact. A new second floor western side elevation window is provided in Unit 2. This window faces the blank side elevation wall and roof of a property named Palma to the west. There is a narrow side elevation window at the second floor of Palma but due to the separation distance and the need to raise finished floor levels there is no overlooking aspect.

Overshadowing - The footprint of the building is not closer to Palma than previously approved. Whilst the height of the roof above Unit 2 is raised this will not materially alter any overshadowing impact which would predominately impact the rear garden of Palma. There is no overshadowing impact on any other buildings when right to light lines are drawn no other properties are impacted.

12. The dwellings are located in Environment Agency Flood Zone 3 and in a "Danger for All" hazard area, with a maximum predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. To address flood risk, no habitable rooms are to be provided at ground floor level. Surface and foul water will be addressed by mains drainage.

#### 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, the site already has permission for a pair of semi-detached houses (ref. H18-0734-17) and 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 site lies within an area predicted to be the subject of severe flooding in the event of a breach or overtopping of the raised defences of the River Nene. Consequently, the properties have been designed to address this issue and would incorporate flood mitigation measures. No habitable accommodation would be on the ground floor and no amendments have been made to the finished floor levels. Safe refuge would be provided in the roof space with access through an escape rooflight. The Environment Agency are satisfied that condition 2 can be amended as proposed.

### Ecology

Under Section 73 application H18-0883-20 a third party requested the installation of swift nest boxes. However, this application was solely to modify an existing planning permission that was already constructed. Consequently, it was considered unreasonable to include such a condition in this particular case.

## **PLANNING BALANCE**

It is considered that the proposed amendments to internal layout and fenestration do not create any new amenity or character impacts, nor exacerbate any other previous concerns. There is not a material impact on the character or amenity of the surrounding area. The amended plans are considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2021.

## **CONCLUSION**

This application is recommended for approval.

## **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.