DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H18-0865-22**	**Applicant:**	**R Hook**
Proposal:	Residential Development - Erection of Dwelling & Garage		
Location:	Rear Of 2 Wharf Street Sutton Bridge Spalding		
Terminal Date:	16th November 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
28	The Natural Environment
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	1
WARD MEMBER	0	0	0	1
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
RESIDENTS	3	0	1	0

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application for the erection of a dwelling and detached single garage and residential land to the rear of 2 Wharf Street, Sutton Bridge. The proposal seeks to provide a chalet bungalow that contains a hall, lounge, shower, utility and a combined kitchen / dining area at ground floor level. At first floor level three bedrooms, an en-suite and a bathroom would be provided. To address flood risk the finished floor level is 1.0m above surrounding ground level and there is 0.3m of flood resilient construction above finished floor level. Access to the property is via two ramps. Proposed materials of construction are Flemish Antique brick with Marley Edgemere Concrete Slates, Grey UPVC windows and Black UPVC doors.

SITE DESCRIPTION

The site is within defined settlement limits and the surrounding area is predominately characterised by terraced dwellings of a similar age and design. The site is in Environment Agency Flood Zone 3, and in a "Danger for All" hazard area with a predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H18-0350-00

Outline - Residential development - One dwelling - Approved - 10 August 2000.

H18-0833-08

Full - Erection of bungalow - Refused - 05 November 2008

H18-0176-09

Full - Erection of chalet bungalow - Refused - 09 June 2009.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

"The Highways and Lead Local Flood Authority response is in relation to the impact the proposed development would be expected to have on the operation of the Public Highway. This is a private road, and the highway authority has no jurisdiction over the use of this road. With regard to this application, we have considered the safety and impact of the proposal on Wharf Street and its nearest junction with the private road. It is for the Local Planning Authority to determine whether the access provided by the private road is safe and suitable for all users."

"There has been no recorded Personal Injury Accidents (PIA) in the vicinity of the Junctions of Wharf Street or Lime in the last 5 years. The Highways and Lead Local Flood Authority do not consider that this proposal would result in an unacceptable impact on highway safety."

"As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory

planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application."

South Holland Internal Drainage Board

Requests drainage strategy.

Environment Agency

"This proposal comes under cell D8 of the local flood risk standing advice and does not meet any other criteria on our consultation checklist, 'When to consult the Environment Agency'. It was therefore not necessary to consult us; please consider the proposals against the guidance of the standing advice. We do not need to be consulted further on this application."

Councillor Brewis

"Concerns about adequacy of access, and being in our flood risk area, what the effect of its elevation will be on properties to the west on Custom House Street. Area was flooded badly in January 1978."

"I omitted to point out that the plans indicate the applicant may own the roadway through from Wharf Street to Lime Street, which cannot be the case. The roadway is the rear access for all the houses on the east side of Custom House Street from 14 in a southward direction, and is also the access to the Parish Council allotments on the east side of the roadway."

Sutton Bridge Parish Council

"1. The access road for the property between Wharf Street and Lime Street is considered unsuitable.
2. Due to flood mitigation measures, the height of the development would have an adverse impact on the visual amenity of the area."

Members of the public - 4

Overshadowing
Overlooking
Out of keeping with existing pattern of development
Surface water flooding
Traffic
Parking provision
Built state of existing access road

Matters which do not carry material planning weight

Noise during construction
Red line boundary is inaccurate and roadway is maintained solely by residents.
Light pollution from internal lighting
Loss of property value

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy - Main Service Centres

"Within the settlement boundaries of the Main Service Centres (as shown on the Inset Maps) 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."

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

The proposed dwelling will help support the role of Sutton Bridge as a Main Service Centre and help sustain existing facilities.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 2 - Development Management

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

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:
1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

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

1. The size, scale and layout of the dwelling is comparable to other properties in the vicinity of the site. No trees will be removed to facilitate this proposal. There is not considered to be a material impact on the character and appearance of the area from this dwelling.

2. The design and orientation is considered to be appropriate for the site.

3. The proposed materials of construction are Flemish Antique brick with Marley Edgemere Concrete Slates, Grey UPVC windows and Black UPVC doors. These materials are considered to be appropriate for the design and are in keeping with the built character of the surrounding area.

4. The existing access will not be altered, and the site can provide three off road parking spaces, which is above the minimum of two required for dwellings with three bedrooms or fewer under Appendix 6 of the SELLP. A number of dwellings in the area rely solely on street parking so there is not considered due be a loss of existing provision as a result of this proposal.

5. There is not considered to be a material impact on the capacity of existing community service and infrastructure as a result of the proposal.

6. There is not considered to be a noise, odour or disturbance impact from the proposal as the application is for a dwelling in a predominately residential area. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal is not considered to represent overdevelopment. The plot size, dwelling size and amenity space is comparable to neighbouring properties.

Overshadowing - There is not considered to be a material overshadowing impact. When right to light lines are drawn they do not land above halfway on any windows of neighbouring properties.

Overlooking - There is not considered to be a material overlooking aspect. Whilst boundary treatment is yet to be confirmed and the dwelling is raised 1 metre above ground level, there is not considered to be a material overlooking impact from the ground floor windows which are not directly adjacent any other properties. With regard to the fenestration at first floor level there are no windows in the first floor western elevation. On the first floor northern elevation contains a rooflight serves the bathroom and the window serving the bedroom faces the rear most extent of gardens Customhouse Street which are overlooked to a greater extent by the neighbouring properties along Customhouse Street. The first floor eastern elevation has two windows, each of which serves a bedroom. These windows face the side access road beyond which is a wall then a car park serving the flats at Garners Wharf which are over 30 metres away. The first floor southern elevation has no windows therefore there is not considered to be a material overlooking impact to the host property nor the dwellings at 2a and 2b Wharf Street.

7. The site is in Environment Agency Flood Zone 3, and in a "Danger for All" hazard area with a

predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. To address flood risk the finished floor level is 1.0m above surrounding ground level and there is 0.3m of flood resilient construction above finished floor level. The existing land is covered by tarmac and paving slabs, therefore there is not considered to be a material impact on surface water drainage by the building of a dwelling. Nevertheless, the South Holland Internal Drainage Board has requested a drainage strategy for the site.

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 of the dwelling is comparable to other properties in the vicinity of the site. No trees will be removed to facilitate this proposal. There is not considered to be a material impact on the character and appearance of the area from this dwelling, nor on a sense of place.

5. Adequate space remains on site for cycle and bin storage. The existing access will not be altered, and the site can provide three off road parking spaces, which is above the minimum of two required for dwellings with three bedrooms or fewer under Appendix 6 of the SELLP. A number of dwellings in the area rely solely on street parking so there is not considered due be a loss of existing provision as a result of this proposal.

6. There is not considered to be a noise, odour or disturbance impact from the proposal as the application is for a dwelling in a predominately residential area. With regard to visual intrusion the following can be observed:

Overdevelopment - The proposal is not considered to represent overdevelopment. The plot size, dwelling size and amenity space is comparable to neighbouring properties.

Overshadowing - There is not considered to be a material overshadowing impact. When right to light lines are drawn they do not land above halfway on any windows of neighbouring properties.

Overlooking - There is not considered to be a material overlooking aspect. Whilst boundary treatment is yet to be confirmed and the dwelling is raised 1 metre above ground level, there is not considered to be a material overlooking impact from the ground floor windows which are not directly adjacent any other properties. With regard to the fenestration at first floor level there are no windows in the first floor western elevation. On the first floor northern elevation contains a rooflight serves the bathroom and the window serving the bedroom faces the rear most extent of gardens Customhouse Street which are overlooked to a greater extent by the neighbouring properties along Customhouse Street. The first floor eastern elevation has two windows, each of which serves a bedroom. These windows face the side access road beyond which is a wall then a car park serving the flats at Garners Wharf which are over 30 metres away. The first floor southern elevation has no windows therefore there is not considered to be a material overlooking impact to the host property nor the dwellings at 2a and 2b Wharf Street.

7. The site is in Environment Agency Flood Zone 3, and in a "Danger for All" hazard area with a predicted flood depth of 1 metre on the 2115 South Holland Strategic Flood Risk Mapping. To address flood risk the finished floor level is 1.0m above surrounding ground level and there is 0.3m of flood resilient construction above finished floor level. The existing land is covered by tarmac and paving slabs, therefore there is not considered to be a material impact on surface water drainage by the building of a dwelling. Nevertheless, the South Holland Internal Drainage Board has requested a drainage strategy for the site.

Flood Risk

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in area with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically

possible to direct all development to zones with a lower probability of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within Section 14 of the NPPF.

The site is located within Environment Agency Flood Zone 3 and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) (SFRA) shows that the site falls within a combination of the 'Danger for All', with predicted flood depth of 1 metre.

The Local Plan has allocated sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. Although the application site is not a housing allocation within the Local Plan (only suitable sites capable of accommodating 10+ dwellings have been allocated), the site does lie within the settlement boundary for Sutton Bridge. In general, there is a presumption in favour of sustainable development within settlement boundaries and windfall sites are expected to have a contribution towards housing supply (and maintaining the 5-year supply of deliverable sites) in the district. As such, one could argue that, should the site be acceptable in all regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable allocated sites in the adopted Local Plan.

In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

With regard to the above, the development would provide some wider sustainability benefits to the community through a contribution (albeit small) towards housing supply, and other benefits including generating employment during the construction period and its proximity to a range of services and facilities.

The submitted flood risk assessment recommends that finished floor level of the proposed house should be set at 1 metre above ground level with a further 300mm of flood resilient construction. Taking into account the predicted flood depths previously identified, this should ensure that the development is safe for its lifetime.

In terms of drainage, the proposal is for surface water to be disposed of via soakaways and for connection to the made to the existing Anglian Water network for foul water disposal. Notwithstanding concerns raised during the consultation process, there are no known ground permeability issues in this area that would preclude the use of soakaways and Anglian Water are obliged to accept foul water flows from new developments if proposed.

Given the above, the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan with regard to their provisions on flood risk and drainage.

PLANNING BALANCE

It is considered that the size of the dwelling and plot is comparable to others in the vicinity. The design of the dwelling and orientation of fenestration is such that there is not considered to be an overlooking or overshadowing impact. There is not considered to be a material impact on the character or amenity of the surrounding area. This application therefore accords 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.