

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H18-0883-20 **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: 3rd December 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
11	Distribution of New Housing
29	The Historic Environment
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, 3, 4, 5, 9, 11, 12, 14 and 16

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
ENVIRONMENT AGENCY	0	0	0	1
HIGHWAYS & SUDS SUPPORT	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The site has full planning permission for the erection of pair of 2 bed semi-detached houses with access from Wharf Street - approved under H18-0734-17. This application is to modify condition 2 to allow amendments to previously approved plans.

More specifically, the agent has indicated the following;

"The ground works contractor set out the building 90 degrees rotated, therefore the rectangular shape of the footprint became wider when facing the quayside. This was not apparent until I first visited the site after the concrete reinforced foundation had been laid and when the builder was having problems understanding measurements.

The foundations have been specifically designed by structural engineers to withstand the pressure of Flooding From the river Nene and as such are very complicated and expensive. In planning terms the building, whilst slightly different in foot print, still provides a very similar arrangement of accommodation and elevation with minor alterations to room layouts especially in unit 2 where the room arrangements now allow a better method of evacuation in case of fire. There is an additional door to the side elevation of unit 2 and some minor alteration to windows.

Overall, the height of the building may increase by approximately 500mm as the rotation has made the building deeper and the roof span greater."

Work has commenced on site.

Site Description

The site is situated on the corner of West Bank and Wharf Street and is at a lower level than the former. Flats are situated to the north and east, the rear of the former Bridge Hotel is located to the south and existing semi-detached houses are situated immediately to the west.

History

H18-0567-14 - Full - Erection of pair of 2 bed semi-detached houses with access from Wharf Street - Granted 1 September 2014.

H18-0734-17 - Full - Erection of pair of 2 bed semi-detached houses access from Wharf Street - Granted 11 September 2017.

Consultation Responses

Sutton Bridge Parish Council - The Parish Council support the application subject to there being sufficient parking for the proposed development.

LCC Highways/SUDS - Request conditions/notes.

Environment Agency - Satisfied that condition 2 can be amended.

Public - Comments received (summarised):

Recommend the installation of at least 6 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 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 development has been rotated 90 degrees and modified, including a slight increase in height. The site is at a lower level than West Bank (Quayside) and has its main elevation facing the latter. It is considered that it would sit satisfactorily within the street scene and have a satisfactory relationship with the existing pair of semi-detached houses immediately to the west. It should be noted that The Bridge Hotel has consent for demolition (ref. H18-0409-15).

In terms of amenity, the nearest residential properties are a pair of semi-detached houses to the west, which have an entrance door and bathroom window only facing the site. The proposed development only has an entrance door facing west. 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.

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 relationship to existing development and respect the character of the area. It should be of high quality in terms of design and layout and have a satisfactory impact upon existing residents.

Highway safety

Concerns have previously been expressed on grounds that the proposal is close to a junction with restricted visibility. However, the accesses are positioned away from the junction. Each property only has a single parking space, which is less than the number required (2 per property) by virtue of Policy 36 of SELLP. However, the site is close to the centre of the settlement and on street parking is available in the vicinity. The County Highways Authority has not objected to the scheme on highway safety grounds.

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

A third party has requested the installation of swift nest boxes. However, this application is solely to modify an existing planning permission. Consequently, it is considered unreasonable to include such a condition in this particular case.

Planning Balance

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 in a sustainable location and the proposal would not materially harm the character or appearance of the locality or amenity of nearby residents. It is therefore generally in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, 2019. The issues relating to flood risk and car parking 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.

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

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