

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-0886-23 **Applicant:** Mr J Robinson & Miss R Hammond

Proposal: Demolition of existing bungalow and erection of detached dwelling - re-submission of H18-0479-23

Location: 110 New Road Sutton Bridge Spalding

Terminal Date: 27th November 2023

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
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 15 - Conserving and enhancing the natural environment.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a full application seeking permission for demolition of the existing two bedroom bungalow and erection of a two storey detached three bedroom dwellings. On the ground floor there would be a kitchen/dining room, living room, utility, w/c and study and on the first floor there would be 3no bedrooms and a family bathroom, within the master bedroom there would also be an en-suite.

Site Description

The site lies on the northern part of the built-up area of Sutton Bridge and is located on a linear residential street on the eastern side of New Road, within the settlement boundary of Sutton Bridge.

The plot has a deteriorating two bedroom bungalow on the site with several outbuildings. The street consists of a mixture of single storey and two storey dwellings of varying styles and materials.

History

H18-0479-23 - Full - Demolition of existing single storey dwelling and erection of replacement two storey dwelling including detached outbuilding - Withdrawn

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

LCC Highways/SUDS Authority

No objection: As a simple one-for-one replacement of an existing dwelling for a new dwelling, it is not expected that the development proposed in this Application would have an unacceptable impact upon highway safety. The proposed dwelling would utilise the existing point of access, although ideally, this access would benefit from being resurfaced to the current highway authority specification. Two off-street car parking spaces are to be provided, along with space to manoeuvre, so that drivers will be able to leave and enter the public highway in a forward gear. The highway authority does not wish to object to the grant of Consent for this Application.

SHDC Environment Protection Officer

No comments

Sutton Bridge Parish Council

There were 5 responses from councillors: 3 were read as being in support ,1 comment was read as in support and 1 was read as 'no objection'. Given the majority view, a response in support of the application has been submitted to SHDC.

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
- Foul and Surface Water Drainage

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, 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 (updated 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.

Principle of Development

The SELLP 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; 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 SELLP 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 sustainable development hierarchy are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising of Other Service Centres and Settlements. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location in sustainability terms.

Policy 1 (Spatial Strategy) of the SELLP 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) 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".

Para 69 of the NPPF 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 and lies within the defined settlement boundaries. In the context of this, the principle of residential development within this location is considered to be of an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan in principle. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers and impact on highway safety, which are discussed in turn as follows.

Layout, Design and Appearance

Part 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping. It is important that new residential development should be of the highest quality to enhance and reinforce good urban design characteristics. It is generally accepted that good design plays a key role towards sustainable development. Regard must be had towards the impact that the proposed dwelling would have on local character, including topography, street patterns, building lines, boundary treatment and through scale and massing.

Specifically, paragraph 130 of the National Planning Policy Framework (NPPF), 2023 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting; and 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 SELLP states 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.

The visual appearance of existing dwellings in the vicinity is varied, therefore it is not considered that the proposed design would materially impact the character and appearance of the area.

The proposed dwelling is considered to be satisfactory in terms of overall design and layout. The property would be positioned in a similar location as the existing bungalow so will not be more prominent in the street scene than existing. It would not represent a dominating feature or be significantly out of character with the area as a result.

Proposed materials of construction are red facing brickwork, with slate effect roof tiles. The door and window frames would be cream UPVC.

Finished floor levels would need to be raised by 550mm as flood risk mitigation, which would have a minimal impact on design/appearance.

The proposal also includes a single storey outbuilding of timber construction to the rear of the property. The siting of the proposed outbuilding, when considered alongside the siting of the proposed dwelling, would ensure that the proposed outbuilding would be largely screened by the host dwelling, with only a minor extent of the outbuilding being visible from public vantage points along New Road.

The boundaries will be a combination of 1.2m and 1.8m close board fencing. Private boundaries with adjoining neighbours, to each side, will be predominantly 1.8m fencing and will fall to 1.2m towards to front of the site to not obstruct views from the site when leaving in a vehicle. The existing boundary treatments are currently close board fencing lowering in height towards the front of the site, therefore, the proposed boundary treatments would not be at odds within the street scene.

Taking the proposals design, scale and nature into account, as detailed above, the proposed development is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan and section 12 of the National Planning policy Framework.

Impact of neighbouring Residents/Land Users

Paragraph 130 of the National Planning Policy Framework (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.

The proposed west elevation (front) includes two windows to the first floor, facing the neighbouring dwellings to the western side of New Road. However, these windows are not considered to have a detrimental impact upon the neighbouring residents through overlooking, as the proposed dwelling (and the front elevational windows) would have a separation distance of approximately 35m (in excess of) from the front elevation of No.87 New Road and a separation distance of approximately 57m from the front elevation of No.83 New Road, as measured from the submitted plans and mapping system, and it is tantamount to a normal frontage relationship.

The proposed south elevation proposes one first floor window, facing No.108 New Road; however, this window is proposed to serve a landing area and staircase, and therefore does not comprise primary living rooms. Therefore, the proposed development will not have a material adverse impact on residential amenity in terms of being causing overlooking or loss of privacy. There are also no first floor windows on No.108 New Road, facing onto the new proposed dwelling. The neighbouring property lies immediately south of the proposal and therefore, would not be unduly impacted by a loss of light or overbearing impact; further, the resultant relationship is not at odds with existing development along the wider area of New Road.

The proposed north west elevation has two proposed first floor window however, it is considered that the proposed windows will not have a detrimental impact upon overlooking, as the dwellings to the rear of the site are approximately 34m away.

The boundary is well screened to lessen any impact the ground floor windows would have to any neighbouring properties.

The proposed north elevation proposes a first window, facing No.112 New Road, with this property being that which immediately neighboured the proposed development. However, this window is proposed to serve a bathroom and is likely to be obscure glazed. As such, the proposed development will not have a material adverse impact on residential amenity, in terms of creating overlooking or loss of privacy.

However, notwithstanding the points raised, predominantly in respect of overlooking and privacy, the proposed development would result in an increase in built form immediately neighbouring No.112, which would be immediately north of the proposed dwelling, resulting in an unacceptable loss of outlook and loss of light to principal windows. No.112 has a first floor window facing the proposed dwelling, and although there seems to be another window serving this first floor room to the west elevation, the siting of the proposed dwelling within the plot means that the proposed dwelling would be forward of this elevation and would clearly be visible from the front windows of No.112, further increasing the impact to the neighbouring dwelling. Further, the marked increase in scale of the built form, and the resultant 'bulk' of development is considered to cause an unacceptable impact to the residential amenities of current and future occupiers of this neighbouring property.

Taking the above into account, the proposed replacement dwelling is deemed to be contrary with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan in terms of residential amenity.

Highway Safety and Parking

Paragraph 111 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 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.

The proposed dwelling would utilise the existing point of access. Lincolnshire County Council Highways/SuDS, as Local Highway Authority, were consulted as part of the application process. No objections were raised, as a simple one-for-one replacement of an existing dwelling for a new dwelling, it is not expected that the development proposed in this Application would have an unacceptable impact upon highway safety. The proposed dwelling would utilise the existing point of

access, although ideally, this access would benefit from being resurfaced to the current highway authority specification. Two off-street car parking spaces are to be provided, along with space to manoeuvre, so that drivers will be able to leave and enter the public highway in a forward gear. The highway authority does not wish to object to the grant of Consent for this Application.

Policy 36, to be read in conjunction with Appendix 6 of the Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms. The dwelling has adequate provision for parking. It is considered that, overall, the development has more than adequate parking is shown within the curtilage of the dwelling.

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

Flooding Considerations

The site is within Flood Zone 3 of the Environment Agency's Flood Maps. They 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.

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". Para 162 details that "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.

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, where:

1. It can be demonstrated that there are no other sites available at a lower risk of flooding (i.e. that the sequential test is passed). The sequential test will be based on a Borough or District wide search area of alternative sites within the defined settlement boundaries, unless local circumstances relating to the catchment area for the development justify a reduced search area, i.e. there is a specific need for the development in that location. The sequential test is not required for sites allocated in the Local Plan, minor development or change of use (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site)", with 'minor development' in this instance taking the definition outlined within the NPPF and National Planning Practice Guidance in relation to flood matters.

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.

However, in this instance, whilst proposing new development, this comprises a replacement dwelling and therefore, differs in material circumstances, to that of other development, such as that taking place on undeveloped land.

Large parts of the South Holland district that are near the River Nene lie within Flood Zone 3. As such, the opportunities to undertake the development at an alternative site with a lower flood risk are limited.

The submitted flood risk assessment demonstrates that probability of flooding from localised drainage systems is low. The probability of the site flooding from any Environment agency system is

less than 1% annual probability (1 in 100 chance each year) because of the existing flood defences. During the design life of the development it is not anticipated that the site would flood. The SFRA considers the residual risk associated with overtopping and a breach in the defences in 2116. The map shows that the peak flood depth at the site is between 0.5m and 1.0m. The increase in impermeable areas associated with the development will be minimal so there is no potential that flood risk will be increased elsewhere due to surface water.

The submitted flood risk assessment advises that there would not be an unacceptable risk of flooding provided the finished floor levels of the dwellings are set 550mm above existing ground levels and there 300mm of flood resistant/resilient construction above the finished floor levels. These mitigation measures will be subject to a condition.

The proposed development in this instance proposes the replacement of a single storey property, with a two storey residential dwelling. The development allows for an increase in finished floor level, with further flood resilient construction above. Therefore, with the resultant development type not altered (being a residential property replaced by a residential property), the development allows for betterment in respect of flood risk and mitigation. Therefore, the betterment ensures the proposal acceptable, notwithstanding the typical need for a sequential test in an area that is Flood Zone 3.

Given the above and subject to the suggested mitigation measures within the submitted Flood Risk Assessment the proposal is considered to be in accordance with Policies 2, 3 and 4 of the Local Plan and Section 14 of the National Planning Policy Framework (2023) with regard to their provisions on flood risk and drainage.

Foul and Surface Water Drainage

The proposal indicates that surface water would be discharged to soakaways and the foul sewage would be connected to the existing mains connection on site.

Biodiversity

Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

It is noted that a need for a 10% Biodiversity Net Gain is likely to be forthcoming within the near future; however, to date, this has not yet come into force. Details would be further secured, should a favourable recommendation be put forward; however, due to the recommendation hereby proposed, conditions will not be attached in this instance.

Planning Balance

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

As much as the replacement dwelling is considered to sit well against most of the surrounding properties in visual terms, it is considered that it would be intrusive and overbearing upon the neighbouring property's occupants to the north. Taking the above into account, the planning balance is considered to lie against the proposal.

Conclusion

The proposed replacement dwelling is deemed to be contrary with Policies 2 and 3 in the SELLP, 2019 and Section 12 in the NPPF, 2023 in terms of residential amenity. Based on the reasons outlined above, the recommendation is therefore for a delegated refusal.

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.