

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H18-0998-20 **Applicant:** Mr J Hook
Proposal: Erection of 2 dwellings - re-submission of H18-0191-20 and H18-0525-20
Location: Adj. 236 Bridge Road Sutton Bridge Spalding
Terminal Date: 1st February 2021

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
04	Approach to Flood Risk
11	Distribution of New Housing
30	Pollution
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 9, 11, 12 and 14

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	1	0	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	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for a pair of semi-detached 2 bed houses. It is a re-submission following a previous refusal (ref. H18-0525-20).

Site Description

The site is presently garden associated with 236 Bridge Road. Vehicular access can be gained from both Bridge Road and also Chestnut Terrace.

No. 236 Bridge Road, which is an end terrace, is situated to east and a pair of semi-detached houses (nos 238 and 240) to the west. A pair of semi-detached houses and associated gardens are also located to the north.

History

H18-0347-90 - Outline - Erection of dwelling house including details of means of access - Granted.

H18-0226-93 - Outline - Erection of dwelling house including details of means of access (Renewal of planning permission H18/0347/90) - Granted.

H18-0191-20 - Full - Residential development comprising 3 units - Refused 24 April 2020

H18-0525-20 - Full - Erection of 2 dwellings (Re-submission of H18-0191-20) - Refused 24 August 2021.

Consultation Responses

Sutton Bridge Parish Council - Over development of the site.

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

South Holland Internal Drainage Board - We would recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency. If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3).

Environmental Protection - No comments or objections.

Environment Agency - Request conditions.

Public - Comments received (summarised):

Recommend you make installation of a minimum of 4 swift nest bricks a planning condition to

provide enhancement for biodiversity. Designing for and installing swift bricks into the fabric of the new buildings during the construction phase is easy, inexpensive, and will last the life time of the building.

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

A two and a half storey terrace is situated immediately to the east fronting Bridge Road and a pair of semi-detached houses (nos 238 and 240) to the west set further back. Unlike the previous proposal, the properties have now been brought further forward on the site, more in line with the neighbouring terrace, and are some 2.3 metres back from Bridge Road. The finished floor levels of the properties would be raised by 1 metre to address flood risk. However, they would still appear satisfactory within the streetscene because they would relate to the neighbouring terrace, which also has a high ridge line. It is considered that the current proposal would have a satisfactory relationship with neighbouring development and not materially harm the character/appearance of the street scene.

The proposal is therefore in accordance with Policies 2 and 3 of the SELLP. They indicate that new development should have a satisfactory relationship with existing development and respect the character of the area.

Amenity

No. 236 Bridge Road, which is an end terrace, is situated to east. It has a single window at ground floor level and two second storey windows on its side gable, plus a conservatory at the rear. A pair of semi-detached houses (nos. 238 and 240) are located to the west. No. 238 has a conservatory/utility nearest the site. A pair of semi-detached houses and associated gardens are located further to the north.

The westernmost semi has kitchen and WC windows on its western elevation at ground level and a bathroom window at first floor level. Any overlooking in respect of these windows would mainly be over the neighbouring front gardens. The rear of the property has kitchen doors at ground floor and bedroom windows at first floor level. Overlooking would mainly be oblique or at a distance. 2.5 metre high closeboarded fencing is proposed along sensitive sections of the eastern and western boundaries to help address overlooking at ground floor level given that finished floor levels would be raised by 1 metre. It is considered that the occupiers of neighbouring properties would not be materially harmed in terms of overlooking, lack of privacy, overshadowing or overbearing effect or noise and disturbance.

The proposal is therefore in accordance with Policies 2 and 3 of the SELLP. They indicate that new development should be of high quality in terms of design and layout and have a satisfactory impact upon existing residents.

Highway safety

Vehicular access to the site is off Chestnut Terrace. A total of 6 car parking spaces have been

shown on the submitted plans, two for each property and two for no 236, as required by Policy 36 of the SELLP.

LCC Highways has indicated that there is insufficient space to manoeuvre 6 vehicles into and out of the six spaces. However, the site is close to the centre of the settlement and there is facility within the vicinity of the site for on street parking without obstructing the safe passage of other road users. They have therefore raised no objections on highway safety grounds.

The proposal therefore satisfactorily accords with Policies 2 and 3 of the SELLP.

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 Most". However, there are not reasonably available alternative sites appropriate for the proposed development located in areas with a lower risk of flooding. In this respect, the Authority views reasonably available sites as those that are deliverable and developable (as defined by the National Planning Policy Framework) for the use proposed within the area, can accommodate the general requirements of the development and are, in principle, in conformity with the objectives and advice within the NPPF and its associated National Planning Practice Guidance relating to sustainable development and flood risk.

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, the site is within Sutton Bridge Settlement Limit. It is considered that the current proposal would provide wider sustainability benefits that would outweigh flood risk. Concerning part 2, the Environment Agency has recommended that finished floor levels be set at 4.5 metres aOD, 1 metre above existing ground level.

The proposal is in accordance with Policy 4 of the South East Lincolnshire Local Plan, 2019 and Section 14 of the National Planning Policy Framework, 2019 in terms of flood risk.

Biodiversity

The explanatory text to Policy 28 of the SELLP sets out that development can incorporate a number of simple, low-cost measures to deliver biodiversity benefits and enhance priority habitats and species, such as, the use of bat roost boxes, green roofs or walls, and integrating nesting opportunities into buildings and green infrastructure. The use of swift bricks on new developments would help minimise the decline in swifts, a priority species.

A condition is suggested to address Policy 28.

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 within Sutton Bridge Settlement Limit as defined in the South East Lincolnshire Local Plan, 2019. It is considered that the proposal would not materially harm the character/appearance of the locality or amenity of neighbouring residents in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance etc. LCC Highways has raised no objections on highway safety grounds and the proposal satisfactorily addresses flood risk.

The proposal therefore satisfactorily complies with Policies 1, 2, 3 and 4 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2019. Although there is some conflict with Policy 36 of the SELLP relating to parking requirements it does not cause highway safety issues and does not outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

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

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.

Recommendation - That the application be approved under delegated powers.