

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-1043-23 **Applicant:** Mrs Cotton

Proposal: Proposed Dwelling

Location: Adjacent To 37 New Road Sutton Bridge Spalding

Terminal Date: 26th January 2024

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 2023

Section 2. Achieving sustainable development.
Section 3. Plan making.
Section 4. Decision making.
Section 5. Delivering a sufficient supply of homes.
Section 11. Making effective use of land.
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	0	0	1
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	1	0

CASE OFFICER ASSESSMENT

Proposal

This application is for the erection of a proposed dwelling at the land adjacent to 37 New Road, Sutton Bridge. Access is to be derived from New Road

Site Description

The proposal site is the south side garden to the host property - 37 New Road. The site is formed entirely of a grass lawn, surrounded by various hedging species. The host property is of a typical Mid-20th century design. The area in general is characterised by a wide mix of housing styles and types

History

None relevant

Consultation Responses

Sutton Bridge Parish Council

The Parish Council considers the proposal to be overdevelopment of the site

Environment Agency

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included:

"The development shall be carried out in accordance with the submitted flood risk assessment undertaken by S M Hemmings and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 4.6 metres above Ordnance Datum (AOD). A minimum of 1m above exiting ground levels.
- Flood resilient construction should be incorporated to a minimum height of 300mm above the finished floor level.

These mitigation measures shall be fully implemented prior to occupation and subsequently shall be retained and maintained thereafter throughout the lifetime of the development.

South Holland Internal Drainage Board

Byelaw 3 (Surface Water)

The applicant has indicated that they intend to dispose of surface water via infiltration, however cannot see that the viability of this proposal has been evidenced. Recommend that ground investigation is carried out to determine infiltration potential, followed by testing in line with BRE

Digest 365 if onsite material is considered favourable for infiltration. If infiltration is not feasible at this site, following the drainage hierarchy would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3. Please note that SHIDB recommend that any discharge is in line with the Non-Statutory technical standards for sustainable drainage systems (SuDS), therefore the Board is unlikely to grant consent for discharges in excess of greenfield rate.

Byelaw 3 (Treated Foul Water)

Note that the applicant intends to treat foul waste using a septic tank, however cannot see that the applicant has indicated how they intend to dispose of treated foul water from this development. If the applicant proposes to discharge treated foul water to a watercourse, consent would be required under Byelaw 3.

Section 23, Land Drainage Act 1991

Note the presence of a Board Maintained watercourse (DRN208P1201 - R12 Pig Lane Drain), as well as a riparian watercourse adjacent to the south-eastern site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the watercourse, or if works are proposed to alter the watercourse at any time in the future, consent would be required under the Land Drainage Act 1991 (and byelaw 4).

Byelaw 10

Whilst not currently proposed, should the applicant's proposals change to include works within 9 metres of the aforementioned Board Maintained watercourse, or if works within 9 metres of the watercourse are proposed at any time in the future, consent would be required under Byelaw 10.

Lincolnshire County Council as Lead Local Highways and Flood Authority

No objection:

The Application Site is the southern part of the curtilage of the existing residential property of 37 New Road. The Application Site is of a sufficient size to accommodate the proposed dwelling, together with parking space for two cars and manoeuvring space or those two cars to turn around so that their drivers may be able to leave and enter the highway in a forward gear. The proposed development would not require any alteration to the existing access arrangements of the existing, host property. The proposed dwelling will require the formation of a new vehicular access onto New Road. The front boundary of the Application site is set back behind an existing footway and highway verge and therefore there will be suitable visibility for drivers to be able to safely exit the property into New Road. The existing footway provides safe pedestrian access between the proposed dwelling and the centre of Sutton Bridge.

In consideration of the above and having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application.

Requests that Highways Informative conditions 03 and 08 be applied should the application be approved.

South Holland District Council Environmental Protection Team

No objections.

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

Evaluation

Section 38 (5), (5A), (5B) and (5C) of the Planning and Compulsory Purchase Act 2004, as amended through the Levelling-up and Regeneration Act 2023, requires for the purposes of any area in England, that the Local Planning Authority makes decisions in accordance with the adopted Development Plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise.

Section 38 (5) of the Planning and Compulsory Purchase Act 2004, as amended through the Levelling-up and Regeneration Act 2023 specifically details that:

(5) If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.

(5A) For the purposes of any area in England, subsections (5B) and (5C) apply if, for the purposes of any determination to be made under the planning Acts, regard is to be had to: (a) the development plan, and (b) any national development management policies.

(5B) Subject to subsections (5) and (5C), the determination must be made in accordance with the development plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise.

(5C) If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy".

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 (December 2023) (NPPF) 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 also 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 and Sustainability

The South East Lincolnshire Local Plan 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; in order 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 South East Lincolnshire Local Plan 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 hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Main

Service Centres, development will be permitted that 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 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 and that land with permission is developed without unnecessary delay".

Para 70 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, a Main Service Centre, and lies within the defined settlement boundaries as detailed by Policy 1. In context of this, the principle of residential development within this location is considered to be appropriate, comprising 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 when viewed 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, impact on highway safety and flood risk, which are discussed in turn as follows.

Flood Risk

Policy 4 of the SELLP is concerned with flood risk management and states, inter alia, that new development within Flood Zones 2 and 3 should pass the sequential test and be accompanied by a site specific flood risk assessment which should propose appropriate flood resistance and resilience measures to ensure the development maintains an appropriate level of safety for its lifetime. The development should also incorporate the use of Sustainable Drainage Systems (SuDS) and demonstrate that adequate foul water treatment and disposal already exists or can be provided in time to serve the development.

The site is located within Flood Zone 3 of the Environment Agency's Flood Maps. A sequential test therefore needs to be undertaken.

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 within an area identified as "Danger for All". However, the majority of Sutton Bridge falls within this category. There are few available alternative sites within Sutton Bridge that are more suitable in flood risk terms. In this respect, the Authority views reasonably available sites as those that are deliverable and developable (as defined by the NPPF) 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.

If 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 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, sustainability issues within South East Lincolnshire are addressed within the South East Lincolnshire Local Plan, 2019. In this respect, the site is within Sutton Bridge settlement boundary, which is one of the largest settlements within the eastern part of the district. Development is needed in this area to sustain the existing community. The proposal scores positively against the aims and objectives of the Local Planning Authority's sustainability appraisal and would provide wider sustainability benefits to the community that outweigh flood risk. This includes the provision of additional sustainable housing within the district to meet the needs of the population, as required by the National Planning Policy Framework.

Concerning the second element, the proposed development has been designed to accord with the recommendations of the Environment Agency. These include the proposed dwellings being one and a half storey with a finished floor level (FFL) at 4.6m aOD, one metre above existing ground level, which is approximately 3.6m aOD. The one and a half storey nature of the proposal means that it's lower height by default mitigates against the visual impact of the raising of the FFL by 1m, such that the proposal would remain equivalent and slightly subservient in scale to the remainder of the 2 storey development in the area, including the host property. Bedrooms are at first floor level. The EA also recommends that 300mm of flood resilient and resistant construction measures above FFL. These matters can be addressed by means of a condition.

In terms of drainage, foul water would be disposed of to a mains sewer and surface water to soakaways.

Character/Appearance

Policies 2 and 3 of the SELLP essentially indicate that new development should be in character and appearance and have a satisfactory relationship with existing development. They are consistent with advice within the NPPF. Paragraph 135 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.

The site is within an area predicted to be of high flood risk. Consequently, the proposed dwelling is one and a half storey with a finished floor level (FFL) one metre above existing ground level and bedrooms at first floor level.

The area includes both two and single storey properties. The proposed dwelling is one and a half storey to address the flood risk issues. The one and a half storey nature of the proposal means that it's lower height by default mitigates against the visual impact of the raising of the FFL by 1m, such that the proposal would remain equivalent and slightly subservient in scale to the remainder of the 2 storey development in the area, including the host property. Therefore, the both the proposed style and scale of the development match well with the local character and as such the LPA does not consider there to be an undue harmful visual impact caused by this proposal.

It is considered, on balance, that the development would not materially harm the character or appearance of the locality.

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

Residential Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. They are consistent with advice within the NPPF. Paragraph 135, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The existing ground level is approximately 3.6m aOD and proposed FFLs would be 1 metre above existing set at 4.6m aOD.

The proposed property would be a direct neighbour only of the host property, 37 New Road to the north, with all other nearby properties being situated across New Road or Wright's Lane. Plans indicate that there shall be no ground floor window on the northern elevation of the proposed property, and that the ground floor windows upon the southern elevation of 37 are to be blocked as part of the construction process. The proposal does seek to situate roof lights into the Northern facing roof pitch. However, given the one and a half storey nature of the property, these would be situated at an oblique elevational angle from 37 New Road's South facing windows. This, in conjunction with the 5m separation from the proposal's Northernmost elevation and the boundary to the North, means that it is not considered that the proposal represents any material risk of overlooking to neighbouring properties.

Much the same, the comparable finished external height of the proposed property when compared to the adjacent and nearby properties, with a plot width and separation distances as indicated, it is not considered that this proposal would present a material risk of overshadowing to any adjacent or nearby residential property.

This is subject to conditions relating to boundary screening.

Highway Safety and Parking Provision

Policies 2 and 3 of the SELLP indicate that sustainable development considerations should be met in terms of access and vehicle generation levels and layout of car parking. Policy 36 and Appendix 6 set out the minimum standards for parking provision based upon the use class. Two spaces for dwellings with 3 or less bedrooms should be provided within the curtilage. Three spaces for dwellings with 4 or more bedrooms should be provided within the curtilage.

The above policies are in accordance with advice within the NPPF. Paragraph 115 indicates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposal site seeks vehicular access via New Road, which is a straight and wide road, with decent visibility from both directions. Lincolnshire County Council Highways Authority were consulted on this application and presented no concerns or objections to the impact of such a vehicular access

The proposed dwelling has two parking spaces in addition to a large turning area. This satisfactorily accords with Policy 36 of the SELLP.

As detailed above, Section 38 (5) and its subsections of the Planning and Compulsory Purchase Act 2004, as amended through the Levelling-up and Regeneration Act 2023, requires for the purposes of any area in England, that the Local Planning Authority makes decisions in accordance with the adopted Development Plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise.

The proposal represents appropriate development within the defined settlement boundary. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

Conclusion

For the reasons listed above, this application is deemed to be in accordance with Policies 1, 2, 3, 4, 10, 11, 17, 36 and Appendix 6 of the SELLP, as well as Sections 2, 3, 4, 5, 11, 12, 14, 15 of the NPPF. Therefore, 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.