DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H18-1099-19**	**Applicant:**	**Sutton Bridge Constitutional Club**
Proposal:	Development of site comprising 2 commercial units on ground floor with 2 self-contained flats above		
Location:	Bridge Road Sutton Bridge Spalding		
Terminal Date:	14th February 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
24	The Retail Hierarchy
26	Primary Shopping Frontages
27	Additional Retail Provision
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 2, 3, 4, 5, 7, 9, 12, 14 and 16.

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

IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	0	0	0	1
SHDC INTERNAL	0	0	0	2
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	1	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought to erect 2 commercial units on ground floor with 2 self-contained flats above.

Site Description

The site is currently a parking area associated with Sutton Bridge Constitutional Club. A shop and flats are situated to the east (no. 112 Bridge Road). Flats are located to the west (116 Bridge Road) on the junction of Bridge/New Road.

Policies/Constraints

Inside Sutton Bridge Settlement Boundary and Primary Shopping Area as defined in the South East Lincolnshire Local Plan, 2019.

Planning History

H18-1215-00 - Full - Erection of single storey front extension - Granted 24 November 2000.

Representations

Sutton Bridge Parish Council - Adequate parking is required for such development.

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

LCC Historic Environment Officer - No archaeological impact.

SHDC Environmental Protection Officer (Contamination) - Request contaminated land condition.

SHDC Environmental Protection (Noise) - No objections.

Environment Agency - No objections subject to non-habitable ground floor uses.

Public - Objections received from local resident (summarised):
Inadequate parking; Noise/disturbance; Shops, especially takeaways, will result in people congregating in the street late at night next to flats.

Material Considerations

The main issues are:
- Principle;

- Character and amenity;
- Highway issues, including parking;
- Other material considerations such as flood risk.

Policy/Principle

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 indicates that within the settlement boundaries of the 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 meet the service needs of other local communities. No objections are therefore raised in principle to residential in this location.

The site is also within Sutton Bridge Town Centre and the Primary Shopping Area as defined by the Local Plan. Policy 24 of the SELLP indicates that in "Local Centres" such as Sutton Bridge, town centre uses will be permitted where they singularly or cumulatively generate no significant harm upon the vitality and viability of that centre or other centre in the hierarchy.

The proposal would result in the loss of part of an existing car park associated with the Constitutional Club. However, it would create 2 additional retail units and also additional residential accommodation. It is considered that the proposal would enhance the vitality and viability of Sutton Bridge town centre. The proposal therefore satisfactorily complies with Policy 24 of the SELLP.

Character

The proposal is of traditional design and would essentially fill a gap within the existing frontage. Timber fenestration would be most appropriate. However, given that the site is not within a conservation area and the nature and appearance of nearby development it cannot be insisted upon in this case.

It is considered that the proposal would not materially harm the character or appearance of the existing street scene and is therefore in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Amenity

Retail premises are located to the east with flats above and flats to the west (No. 116 Bridge Road). The scheme has been amended to include high level windows on the western elevation facing no. 116. Openings on the eastern elevation predominantly face a blank wall.

Residents who live in a town centre location cannot reasonably expect the same living conditions and low levels of noise as those living in predominantly residential areas. The plans accompanying the application indicate that the ground floors would be used as shops, which fall within Class A1. Consequently, there is unlikely to be an accumulation of persons outside the properties during anti-social hours. Furthermore, SHDC Environmental Protection have no objections on noise grounds.

Taking the aforementioned into account it is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, overshadowing, overbearing effect, noise and disturbance, etc. The proposal is therefore in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 in this respect.

Whilst there would be some noise and disturbance during the construction stage this would be temporary.

Highway Safety

Policy 36 of the SELLP indicates that all new development should provide vehicle parking in accordance with the minimum parking standards within Appendix 6. Residential flats (2 bed) require 2 spaces and convenience retail (Class A1) 1 space per 14 sqm.

Explanatory text accompanying the above policy indicates that "the amount of parking provided can

also influence people's transport choices; an over-provision of car parking can lead to unattractive, car-dominated environments that are unsafe for non-car users, whilst an under-provision can lead to unsuitable or unsafe on-street parking. A balanced approach to parking provision, when promoted as part of a package of measures, can promote sustainable transport choices and provide attractive and safe environments whilst ensuring that sufficient parking is provided to meet local needs."

The proposal doesn't have any on site parking for the flats and 2 spaces are available for use by occupiers of the retail premises within the existing constitutional club car park. However, LCC Highways has not objected on highway safety grounds given that the site is within the town centre and on street parking is available nearby, albeit not directly in front of the site.

Concluding, therefore, the proposal fails to comply with Policy 36 concerning car parking standards. However, it creates additional retail and residential units within the town centre. Although no on site parking is proposed the under provision would not lead to unsuitable or unsafe on-street parking. It is considered that the benefits in this case outweigh constraints relating to a lack of on site car parking.

Flood Risk/Drainage

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 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, 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 development boundary, which is one of the larger settlements within 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 retail and residential development within the district to meet the needs of the population, as required by the National Planning Policy Framework.

Concerning the second element, the Environment Agency has recommended that the ground floor be non-habitable and that the development be carried out in accordance with the submitted flood risk assessment. Future occupants are advised to sign up to the Environment Agency's free

Floodline Warnings Direct Service.

In terms of drainage, foul water would be disposed of to the mains sewer. A condition is recommended concerning surface water drainage.

Conclusion

The proposal would provide additional retail units and residential accommodation within the centre of Sutton Bridge. The proposal would enhance the viability/vitality of the town centre and arguably enhance the character/appearance of the street scene/locality. It would have some impact upon the amenity of nearby residents, but not such as to justify refusal and outweigh factors in favour of the scheme.

The proposal fails to comply with Policy 36 concerning car parking standards. However, it creates additional retail and residential units within the town centre. Although no on site parking is proposed the under provision would not lead to unsuitable or unsafe on-street parking. It is considered that the benefits in this case outweigh constraints relating to a lack of on site car parking.

In terms of flood risk, the proposal would provide wider sustainability benefits to the community that outweigh flood risk, and secondly, would be safe for its lifetime without increasing flood risk elsewhere.

Concluding, therefore, the proposal satisfactorily complies with Policies 1, 2, 3, 4 and 24 of the South East Lincolnshire Local Plan, 2019. Although it fails to fully accord with Policy 36 this is not not sufficient in this case to indicate against the proposal and outweigh the benefits of the scheme.

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.