

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H18-1174-22 **Applicant:** Mrs A Robinson

Proposal: Erection of pair of semi-detached dwellings - previously approved under H18-1070-19

Location: Land Rear Of Post Office 158 Bridge Road Sutton Bridge

Terminal Date: 11th April 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
28	The Natural 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 2021

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	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
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Full planning permission is sought for the erection of a pair of semi-detached one and a half storey 2 bed dwellings, with access off Gas House Lane.

The proposal is essentially a renewal of a previous planning permission (ref. H18-1070-19), which was never implemented due to outstanding issues relating to contamination (gas).

Site Description

The site (some 0.03 ha) is currently vacant land on the western side of Gas House Lane. A bungalow is situated to the north and houses to the south (former post office) and south-west (no. 160 Bridge Road). Garden associated with the latter is located to the west.

Recent History

H18-0907-16 - Full - Erection of two dwelling houses, Land rear: Post Office, 158 Bridge Rd - Granted 6 February 2017.

H18- 0631-17 - C/C - Details submitted relating to Material Schedule, landscaping and Geo-environmental Desk Study (Conditions 3, 4 and 8 of H18-0907-16) - Still under consideration.

H18-1070-19 - Full - Residential development - pair of semi-detached dwellings - Granted 18 February 2020.

Consultation Responses

Sutton Bridge Parish Council

No response.

LCC Highway and Lead Flood Authority

No objections.

South Holland Internal Drainage Board

If infiltration is not feasible at this site, following the drainage hierarchy we would expect the applicant to propose to discharge surface water to a watercourse. In this case, consent would be required under Byelaw 3.

Environmental Protection

I have reviewed the information provided and I request that the full contamination condition (condition 11 of H18-1070-19) is carried over to any permission granted.

Environment Agency

Request that the development be carried out in accordance with the submitted FRA and the following mitigation measures:

- Finished floor levels shall be set no lower than 1.0m above existing ground levels at 4.9m ODN.
- Demountable defences shall be installed on all ground floor openings to 0.6m above finished floor levels.
- Flood resilience construction to a height of 0.3m above the predicted flood level of 5.4m ODN.

Public

Resident objections received (summarised):

- Gas House Lane unsuitable in width and construction for additional properties. Prone to flooding in heavy rain.
- Inadequate parking. Additional property would exacerbate situation and block Gas House Lane.
- Impact on neighbouring property.
- Blockage of light.
- Land contaminated because former gas works.
- Flooding of neighbouring property which is at a lower level.
- Existing boundary treatment should be retained.
- Land ownership issues and access requirements for old Royal British Legion. To our knowledge, no-one has legal title for Gas House Lane and everyone is entitled to use it. Need to be ensured of unobstructed access for our business and services. Our land should not be used for parking.

Planning Considerations

The main issues in this case are:

- Principle;
- Character/appearance;
- The likely impact upon the amenity of neighbouring residents;
- Highway safety;
- Flooding/drainage;
- Contamination.

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 (Spatial Strategy) of the SELLP 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. The site is therefore considered suitable in locational terms.

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 National Planning Policy Framework (NPPF), 2021. Paragraph 130 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 dwellings are 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 former post office and dwelling to its west (no. 60 Bridge Road) are two storey. A row of terraced cottages is situated on the eastern side of the entrance and a bungalow (no. 1 Gas House Lane) is situated immediately to the north of the site. The proposed dwellings are one and a half storey to address the flood risk issues.

The site is in an urban location and planning permission has previously been granted for a development of this nature. 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.

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 National Planning Policy Framework (2021). Paragraph 130, amongst other matters, seeks places with a high standard of amenity for existing and future users.

The existing ground level is approximately 3.9m aOD and proposed FFLs would be 1 metre above existing set at 4.9m aOD. The rear patio would be set at 4.8m aOD.

The rear elevations include openings associated with dining areas/kitchens, including patio doors exiting onto raised patios. Roof lights serving bedrooms/bathrooms are situated at first floor level at the rear. There are no openings on the northern elevation facing No. 1 Gas House Lane, which has a conservatory on its southern elevation. The properties are situated approximately 1.6 metres from the northern and southern boundaries. Given that proposed FFLs are to be raised, appropriate boundary screening along the northern, western (rear) and southern boundaries may consist of 2 metre high closeboarded fencing with 300mm trellis on top of a 500mm retaining wall to help protect the amenity of occupiers of nos. 158 and 160 Bridge Road and no. 1 Gas House Lane.

It is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, noise and disturbance, etc. This is subject to conditions relating to boundary screening and the southernmost roof light being raised to alleviate overlooking at close range.

It is appreciated that local residents may suffer some disturbance during the construction phase. However, this would be temporary and is not considered to be such as to justify refusal on amenity grounds.

Highway Safety

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 Framework, 2021. Paragraph 111 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 two dwellings are to be accessed from Gas House Lane, which is a Private Road. LCC Highways consider that Gas House Lane has a suitable junction with Bridge Road for safe and suitable egress into the public highway and no alteration to this access onto the public highway is being proposed.

Concern has been raised over the poor state of Gas House Lane and the fact new development

would increase traffic movements and exacerbate the situation. This is noted and it would not be unreasonable to require an improvement of Gas House Lane between the site and Bridge Road. This would essentially involve the filling of pot holes, etc and could be secured by means of a condition. The County Highways Authority does not wish to restrict the grant of planning permission on highway safety grounds.

Each dwelling has two parking spaces which satisfactory accords with Policy 36 of the SELLP.

Flooding/Drainage

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 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.

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 4.9m aOD, one metre above existing ground level, which is approximately 3.9m aOD. Bedrooms are at first floor level. The EA also recommends that 600mm demountable defences should be installed to all external doorways, along with flood

resilient and resistant construction measures. 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. Because site levels are to be raised, permeable strips are recommended along the site boundaries.

Contamination

Policy 30 of the SELLP indicates that development proposals will not be permitted where, taking into account of any mitigation measures, they would lead to unacceptable adverse impacts upon the health and safety of the public, the amenities of the area, or the natural, historic or built environment by way of such factors as air quality, noise, light levels and land quality and condition.

Information submitted under previous planning permissions has indicated the presence of gross contamination, and the proposal is to introduce a residential receptor, which is highly vulnerable to contamination. On this basis, Environmental Protection has recommended a full contamination condition. This matter can be addressed by means of a pre-commencement condition.

Planning Balance

The site is inside Sutton Bridge Settlement Limit as defined in the South East Lincolnshire Local Plan (SELLP), 2019. The site is therefore considered suitable in locational terms.

The dwellings are considered acceptable in terms of design/appearance and would not materially harm the amenity of neighbouring residents, subject to conditions. No objections have been raised on highway safety grounds. Flood risk and contamination issues can be addressed by means of conditions.

There are no issues of such weight as to outweigh factors in favour of the scheme, subject to 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

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 proposal satisfactorily complies with Policies 1, 2, 3, 4 and 36 of the South East Lincolnshire Local Plan, 2020. Policy 30 (Pollution) can be addressed by means of a pre-commencement condition. There are no material considerations of such weight as to outweigh development plan policy.