

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H18-1189-19 **Applicant:** Mrs Sandra Worts
Proposal: Proposed pair of semi detached houses (re-submission of H18-1048-18)
Location: Land East: Bridge Auto'S Bridge Road Sutton Bridge
Terminal Date: 5th 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
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Section 12: Achieving well-designed places

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
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for a proposed pair of semi detached houses on land east of Bridge Auto's, Bridge Road, Sutton Bridge.

The dwellings would be 2 bed with modest sized gardens to the rear. Both properties would share an access off Bridge Road.

This application is effectively a resubmission of an application that was recently refused (H18-1048-18) on the basis of the environmental harm it would cause, failing the flood risk exceptions test and in light of an Environment Agency objection that the proposed finished floor levels would not be sufficient to mitigate against the likely flood depths the site would experience if a flood event were to occur.

A Design and Access Statement has been submitted in support of the application which seeks to address the previous refusal reasons and raises the issue that the previous 'officer's report does not appear to give any weight in decision making to the fact that the site is entirely previously developed land and as such is a priority for new development in both the NPPF and Local Plan'.

Site Description

The site is currently the gravelled parking area of an automobile business, which is located immediately to the west. There are a few residential properties on the opposite side of the road and another set of semi-detached dwellings the far side of Bridge Auto's. These dwellings are physically detached from the existing main built-up area of Sutton Bridge.

There is fencing along the northern, eastern and southern boundaries. There are also mature trees along the northern boundary, which would be retained.

The site is situated outside of the settlement boundary of Sutton Bridge according to the South East Lincolnshire Local Plan (March 2019).

History

H18-1048-18 - Proposed pair of semi-detached houses (refused December 2018)

Consultation Responses

SHDC Environmental Protection Officer - Request the full land contamination condition at this location.

Environment Agency - No objection subject to the LPA receiving revised plans showing finished floor levels raised by 1m in accordance with the updated Flood Risk Assessment.

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

Planning Considerations

- Principle
- Flood risk
- Impact upon character and appearance of the area
- Residential amenity

Principle

Since the previous application was determined, the South East Lincolnshire Local Plan (2019)

(SELLP) has been adopted. However, this does not materially change the policy status of the site as it remains outside of any settlement boundary and is therefore still classed as being in the countryside.

Policy 1 (Spatial Strategy) of the Local Plan states that development in the countryside will only be permitted on the basis that it is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.

The supporting text to Policy 1 states that "housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople) or to meet the specific housing settlement needs of a settlement (see Policy 19: Rural Exceptions Sites)". The proposal is not considered to meet the provisions of either of these policies.

It is important to note that the council is able to demonstrate a 5-year housing land supply (as at 31st March 2019).

Paragraph 79 of the National Planning Policy Framework (2019) (NPPF) makes provision for new 'isolated' dwellings in the countryside in limited circumstances. However, given case law on the interpretation of the term 'isolated', it is not considered that Paragraph 79 should apply in this instance. There is a business adjacent and there are residential properties opposite, thereby meaning that the site cannot be described as remote or 'isolated'.

Given the above, the overriding consideration is whether the proposed development can be considered necessary to that location and/or whether the site can be considered to represent a sustainable form of development. As per the second part of Policy 1 (countryside section), the following can be considered as part of the planning balance:

Economic - The development may support the local economy through employment opportunities associated with construction and future occupants may work locally and support local services.

Social - The proposal would make a contribution, albeit small, towards housing supply in the district (Section 5). Furthermore, there is a reasonable range of shops and facilities available in Sutton Bridge, many of which are within reasonable walking distance (1 mile) from the site via the footpath opposite.

Environmental - Although the site cannot be considered to be isolated (there are five dwellings opposite and an automobile business and another pair of semi-detached dwellings to the west), the site is physically detached from the existing main built-up area of Sutton Bridge. Beyond this are agricultural fields and agricultural units which are a typical feature in the flat fenland landscape. The area has a more rural feel and this is noticeable when you leave Sutton Bridge along Bridge Road in a north-westerly direction. There is a clear sense of physical detachment from the built-up area of Sutton Bridge in terms of how the site relates to existing development. The proposed development, if permitted, would further intensify existing development in this location, which would be contrary to Paragraph 127 of the NPPF which states that planning decisions should ensure that developments are sympathetic to local character, including landscape setting. It would also set a harmful precedent by encouraging further applications of a similar nature along Bridge Road between the site and the main built-up area of Sutton Bridge. It would encourage further ribbon development along this section of road, thereby eroding the open countryside character of this side of Bridge Road. This would cumulatively harm the aims and objectives of both the Framework and SELLP to ensure that new development is sustainable and protects the character and appearance of the area and countryside. It is accepted that the site is brownfield in nature and that the NPPF encourages the redevelopment of such sites, however it is not considered that this is sufficient to outweigh the adverse impacts set out above. Simply because a site is brownfield does not automatically mean it is a suitable site for residential development.

Given the above, on balance, it is not considered that the application site is a suitable site for residential development. Although there would be some benefits in terms of the potential for job creation, assisting housing supply and the reuse of brownfield land, it is considered that these benefits are outweighed by the harm that would be caused by virtue of the impact the site's development would have on the character and appearance of the area. It is also clearly evident that in principle the site does not accord with the provisions of the SELLP Local Plan, which was adopted in March 2019. Furthermore, the Council is capable of demonstrating a 5-year housing land

supply (6.07 years as at 31st March 2019).

Flood Risk

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest risk of flooding. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the Exceptions Test can be applied if appropriate.

The South East Lincolnshire Strategic Flood Risk Assessment (March 2017) provides the basis for applying the Sequential Test. This concludes that the vast majority of South Holland District is in Flood Zones 2 and 3. Therefore, consistent with wider sustainability objectives, it is not realistically possible to direct all development to zones with a lower risk of flooding. As such, the document outlines a methodology whereby the SFRA hazard and depth maps (in that order) are to be utilised when determining flood risk and applying the sequential test. Using this methodology it is possible to use the information to steer development towards the areas of lower flood risks as advised within paragraph 158 of the NPPF.

The application site lies within Environment Agency Flood Zone 3a and the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies the worst case scenario for the site as 'danger for most' in terms of flood hazard with predicted flood depths of up to 1.0m. Given that the majority of Sutton Bridge is identified as 'danger for most' and 'danger for all' in terms of flood hazard and would be exposed to flood depths of 1.0m or above in the event of a flood, it is not considered that there are sequentially preferable sites in Sutton Bridge in terms of flood risk. The exception test can therefore be applied.

In order for the Exceptions Test to be passed, it must be demonstrated that the proposed development will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

It is accepted that the development would provide some wider sustainability benefits to the community through its ability to help meet the housing need (albeit a small contribution), and other benefits including the reuse of previously developed land and generating employment during the construction period. However, the impact that the proposed development would have on the character of the area and the harmful precedent it would set for future development along Bridge Road would considerably outweigh these benefits.

Given the above, it is considered reasonable to conclude that the Exceptions Test cannot be passed in this instance.

Impact upon character and appearance of the area

As stated above, the proposed development would further intensify an existing cluster of development in a countryside location where there is a clear physical separation between these properties and the main built-up area of Sutton Bridge.

This would have an adverse impact upon the character of the area and would set a harmful precedent for further development along Bridge Road, creating ribbon development between the site and the built-up area of Sutton Bridge.

This would have a cumulative material adverse impact by eroding the countryside character of the area to this side of Bridge Road.

It would therefore be contrary to Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019. These policies seek, amongst other things, to ensure that new development does not have an adverse effect upon the character and appearance of locality.

By way of comparison, an application (ref. H01-0237-19) for a single dwelling detached from the settlement boundary of Cowbit by approx. 200m, but on the edge of a small cluster of dwellings, was refused on 16th April 2019 under the current development plan solely on the anticipated impact on the character and appearance of the area. The refusal was subsequently appealed, and the appeal was dismissed on 10th January 2020.

Residential Amenity

Due to the positioning of the proposed dwellings in relation to existing development in the area, there should be no issues of overlooking, loss of light or the development being overbearing in nature.

The proposal would therefore not conflict with Policy 3 (Design of New Development) of the South East Lincolnshire Local Plan, 2019 in terms of residential amenity.

Conclusion

Taking into account the above, the site is not considered to be a suitable site for housing with particular regards to the principles of sustainable development and the protection of the countryside character of the area. It is therefore contrary to Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) as well as Paragraphs 7, 8 and 127 of the National Planning Policy Framework (2019).

Given the above, the recommendation is therefore 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.