

Present:

Chairman: Councillor Tom Ashton

Vice-Chairman: Councillor Alison Austin

Councillors: Katie Chalmers, Deborah Evans, Paul Goodale,  
Jonathan Noble, Frank Pickett, Paul Skinner,  
Yvonne Stevens and Judy Welbourn

Officers: Deputy Development Manager, Planning Officer and  
Democratic Services Officer

**136 APOLOGIES**

Apologies for absence were tabled by Councillors Peter Bedford and Peter Watson with Councillors Stephen Woodliffe and Neill Hastie substituting respectively.

**137 MINUTES**

The Chairman signed the minutes of the previous meeting held on the 26th July 2022.

**138 DECLARATION OF INTERESTS**

Standing declarations of interest are tabled for the following members of the planning committee in their respective roles:

Members of Lincolnshire County Council Councillors Tom Ashton, Alison Austin and Paul Skinner.

Members of the South East Lincolnshire Joint Strategic Planning Committee Councillor Tom Ashton

Representatives of the Internal Drainage Boards Councillors Tom Ashton, and Paul Skinner.

Personal declarations of interest were tabled as below:

Councillor Paul Skinner noted that whilst the applicant had been known to him many years previously, he would consider and determine the application with an open mind on the information provided.

Councillor Stephen Woodliffe stated he had a communication from Councillor Peter Bedford whom he was substituting for and would raise it in the meeting when appropriate.

Councillor Jonathon Noble noted that whilst he had liaised with Mr Clive Wickes, the applicants' agent, on a personal matter at his own residence, he had not proceeded with Mr Wickes services and he would consider the application on the information provided with an open mind.

## 139 PUBLIC QUESTIONS

None tabled.

## 140 PLANNING APPLICATION B 22 0103

**Erection of one pair of semi-detached single storey dwellings including associated site works & alteration & improvements to the existing vehicular access following demolition of existing double garage**

**Land to rear of Fern House, Spalding Road, Sutterton, Boston, PE20 2ET**

**Mr Gary Stray, C/O Clive Wicks Associates**

*It is noted that two additional pieces of information submitted in objection to the application, including photographic evidence, which had been circulated in the first instance via email, were provided in hard copy for all committee members' reference if required during the meeting.*

The Planning Officer presented the report as tabled and provided an overview with visual supporting information of the site, and summarised the key material planning matters and explained the reasons for the recommendation. The Planning Officer also confirmed that the application had been called in by Councillor Spencer for the reasons noted within the report.

The application site consisted of a two storey detached house set towards the front of a plot with a frontage of c.18m and a maximum depth of c.60m. A large double garage is situated on the west boundary. There were residential neighbours on either side and opposite fronting the B1397 Spalding Road. The area was primarily residential in character, with some non-residential premises including an agricultural machinery supplier to the west and a fish and chip shop and GP surgery to the east. To the north was land on which permission had been granted in 2017 for change of use to a touring caravan site (20 caravans) plus excavation of fishing lake, erection of WC/wash facility building, new internal roads and parking areas and associated landscaping. The site and the surrounding area were flat. The location was in Flood Risk Zone 3a (FRZ3), and was also within the Coastal Hazard Zone with part of the site being categorised by the Environment Agency as Danger For Some and part categorised as Danger For Most. The scheme had formally been described as 'Erection of one pair of semi-detached single storey dwellings including associated site works & alteration & improvements to the existing vehicular access following demolition of existing double garage'. That would see the existing plot divided and the large detached garage removed, and the new dwellings erected in what was now the back garden. Access for these would be along the western boundary through the area now occupied by the garage with some improvements being made to the highway access point.

**Representation was received by Mr Clive Wickes the applicant's agent: which included:**

Points of clarification were advised in that the objectors' garden room was set higher than the applicants' site with the objector actually overlooking the applicant, not the

other way around. The applicants' wall was 6ft as against the objectors' wall which was 4ft. Window to window at bedroom level was in fact 12.8m and not 3.6m as stated and the obtuse angle would not enable overlooking. Referencing the 5 dwellings at McLaughlin Way which had been overturned by the Planning Inspector, and the 3 bungalows at Meadow View, Mr Wickes noted both had been referred to as small estates and suggested that the application for the two bungalows alongside the host building could also be classed as a small estate. The two bungalows proposed would replace the existing ugly garage and enhance the area and improve the street scene which the Inspector had deemed to be an eclectic mix of properties with no dominant style. The site was well within the Sutterton curtilage and there was a need to provide a mix of housing including bungalows, none of which were to be provided within other new developments. It was recognised that the site was within the blue zone for flood risk along with the rest of the borough, but there were no other areas within the village within a lower risk category. The proposal was set 850mm above ground level with footpaths and gardens set at existing ground level and the wall would prevent water run-off into neighbouring properties and surface water would go to soak-away and by percolation to the ditch at the rear. The flood report had been produced by one of the leading flood consultants in the area which confirmed that the site was not in an unacceptable location with the bungalows being above any water ingress to the village with a flood risk level of 3.66 ODN, a rise of the floor slab of 860mm. The development would contribute to the local economy both during construction and post occupation.

No questions were asked of Mr Wickes by committee members. The Planning Officer replied to Mr Wickes comments and advised that the statement that there were no lower risk flood zones within the village, was incorrect. He advised committee that the Environment Agency clearly identified that the site across the road from the application site was at a lower level of flood risk.

**Member comment and deliberation followed which included:**

Some members voiced their support of the application stating that they felt the design looked very pleasing and would sit well within the area. They further noted it would benefit the community, its' residents would not be isolated and it would constitute another small estate is keeping with others along the road. However, a number of members noted they felt it to be a finely balanced application. Many were concerned at the potential for flooding, albeit tidal flooding being the primary concern, and they recognised the directives of the various planning policies and the officer recommendation and reasons based on those policies.

Committee also acknowledged the objections of the Parish Council which they agreed was a key consideration. Further concern was noted that the Sequential Test had not been successful with alternative sites available within the area in lower flood risk zones.

Members also recognised that the proposal was fundamentally 'back-land' development which historically the Council had not supported and further concern noted that the proposed builds would be bungalows which in the event of flooding, had no escape route or upper floor for safety.

It was moved by Councillor Tom Ashton and seconded by Councillor Stephen Woodliffe that the application be refused in line with officer recommendation for the reasons contained therein.

Vote:            6 In favour.                            3 Against.                            2 Abstentions.

**RESOLVED:**

That the planning committee refuse the application in line with officer recommendation for the following reasons:

1. The proposal would result in the erection of two units of market housing in an area of unacceptably high flood risk. The proposal is not supported by a successfully completed Sequential Test to demonstrate that sites at lower risk of flooding are not available, when allocated sites which have not been built out are located nearby. The proposal does not demonstrate that it is capable of passing the Exception Test. The proposal does not demonstrate how consequential harm to neighbouring properties through the displacement of water will be avoided, especially in times of flood. The proposal is therefore contrary to policies 2, 3 and 4 of the South East Lincolnshire Local Plan 2019 and to Section 14 of the National Planning Policy Framework 2021 with particular reference to paragraphs 152, 159, 161, 162, 163, 164, 165 and 167.
2. The proposal would result in the erection of two dwellings in a tandem location contrary to the grain of the existing built environment and by reason of the form, scale, layout and design of the scheme and the constraints of the site would overdevelop the site. The proposal therefore does not accord with the distinctive character of the locality and is contrary to policies 2 and 3 of the South East Lincolnshire Local Plan 2019 and to the National Planning Policy Framework 2021 with particular reference to paragraphs 126, 130 and 134.
3. The development would, by reason of its form, scale, layout and design and the constraints of the site, have unacceptably harmful impacts on the residential amenities of future occupants and of the occupants of neighbouring dwellings through overlooking and massing. As such the proposal is contrary to policies 3 and 4 of the South East Lincolnshire Local Plan 2019 and to the National Planning Policy Framework 2021 with particular reference to paragraph 130

The communication referenced by Councillor Stephen Woodliffe during the preliminary item for declaration of interests had no relevance in respect of the planning agenda tabled and as such was not tabled in the meeting.

The Meeting ended at Time Not Specified