DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H17-0053-20**	**Applicant:**	**Mr M Yould**
Proposal:	Residential development of 5 no. detached dwellings		
Location:	72 Station Road Surfleet Spalding		
Terminal Date:	11th June 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
04	Approach to Flood Risk
36	Vehicle and Cycle Parking

National Guidance

National Planning Policy Framework 2019

Section 12 - Achieving well-designed places
Section 14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	0	1
OTHER STATUTORY BODIES	0	0	0	1
RESIDENTS	2	0	0	0

CASE OFFICER ASSESSMENT

Proposal

Residential development of 5 no. detached two-storey dwellings. The application is supported by street scene representations and Land Contamination Reports.

Since submission the scheme has been amended to reduce the impact of the dwellings on plots 1 and 5 on the neighbouring dwellings, and without solicitation the access points to each property have been moved to access from Station Road.

Site Description

The site is a rectangular piece of agricultural land fronting on to Station Road. To the north are glasshouses and horticultural buildings. To the east is a bungalow with large windows facing the site and no boundary treatment and to the west is a chalet type dwelling. There is currently a conifer hedge along the southern and western boundaries. The River Glen is opposite across the road.

History

H17-0149-19. RESERVED MATTERS. Erection of 5 detached dwellings (Outline Approval H17-0563-16). Approved. 04-04-19.

H17-0563-16. SEC 73 MODIFICATION. Residential development - approved H17-0798-15 - Removal of Condition 6 relating to affordable housing. Approved. 09-08-16.

H17-0798-15. OUTLINE. Residential development. Approved. 02-03-16

Consultation Responses on Original Plans

Surfleet Parish Council

- Houses do not follow the current building line particularly plot 1 which will impact on the light to existing number 56 Station Road.
- The proposed design does not match the existing chalet bungalow style particularly plots 1&5
- Would ask that these plans are reconsidered to suit the current street scene and respect neighbours.

SHDC Environmental Protection Officer

Has reviewed the following documents, which should form part of the approved plans at this location:
- 'A phase II contamination report to support a planning application for a residential development at: Land adjacent to 72 Station Road, Surfleet' ref MSH/17.04:1/PhaseII Rev A dated 12 May 2017
- A phase I desk study to address condition 4 of planning permission reference H17-0798-15 for a residential development at: Land adjacent to 72 Station Road, Surfleet' 28 February 2017 ref DJM/17.041/PhaseI
- An addendum report to address condition 4 of outline planning permission referenced H17-0798-15, for a residential development at: Land adjacent to 72 Station Road, Surfleet' ref DJM/17.041/PhaseII/Add dated 17 July 2017

The EHO is in general agreement with the findings and recommend the following informative be added to any planning permission granted at this location:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to Environmental Health. An investigation and risk assessment must be undertaken in accordance with details to be agreed with Environmental Health. Where remediation is necessary, a remediation scheme must be submitted

to and approved in writing by Environmental Health. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved by Environmental Health.

LCC SUDS

No objections. Informatives regarding surface water drainage, amended vehicular access and utility connections.

Welland and Deepings Internal Drainage Board

IDB consent may be required for future discharge.

Third parties

Two objections received, raising the following:

- Properties are situated much further forward than the current building line.especially highlighted on building plot no 1. - This proposed property is not only far further forward than the adjacent Chalet Bungalow it is also not in keeping with the adjacent Bungalows.

- the proposed design of the properties being so close to the road is not in keeping with the neighbourhood.

- Overshadowing and loss of privacy. As the properties will be forward of the building line they will completely block the morning sunlight into a front garden and living room. Also the side windows will be directly overlooking a living room and front garden.

- Although a house is on the opposite side of the road property 1's upstairs 'main view' will be directly into the garden.

Consultation Responses on Revised Plans

Surfleet Parish Council

No response received.

LCC SUDS

No objections subject to informatives.

Welland and Deepings Internal Drainage Board

As previous.

SHDC Environmental Protection Officer

No objection subject to informative.

Third parties

No representations received.

Planning Considerations

Principle

The principle of residential development on the site has already been established by the grant of the extant planning permission on the site, which is set out above. The dwellings are forward of the building line of the existing dwellings, however this push forward was approved by the previous consent on the site.

Highways

New accesses would be created off Station Road for each of the proposed dwellings.

LCC Highways have not objected to the application and so it is considered to be acceptable in highways terms.

Residential amenity

The dwellings on plots 1 and 5 have been resited in order to maintain the amenity and light to the adjoining dwellings, which are a chalet bungalow and a bungalow respectively. No objections have been raised to the revised plans.

Two first floor windows are proposed to plot 1, along with a ground floor window. The first floor windows are to serve en-suite bathrooms and the windows can be conditions to be obscure glazed. The ground floor window is intended to serve a kitchen/diner and would be largely obscured by the boundary treatments.

The original scheme showed a garage directly adjoining the existing bungalow adjoining plot 5. This plot has now been reconfigured to that the side bedroom window to the existing bungalow will not be caused an unacceptable level of loss of light, nor overbearing impact.

In order that the privacy of adjoining residents is maintained, a condition is proposed to remove permitted development rights for the installation of additional windows and dormers.

Objection has been received that there would be overlooking to a dwelling on the south of Station Road, however the dwelling at this property is on the opposite side of the road and not directly opposite the development. It is not considered that a refusal of planning permission could be sustained on the basis of overlooking. The overlooking of part of a front garden could similarly not be sustained, as this garden adjoins the public realm.

Design and layout

The detached dwellings would be built forward of the building line of the existing dwellings, however this push forward was approved by the previous consent on the site.

This part of Station Road has a mix of dwelling types and ages, being detached and semi detached bungalows, chalet bungalows and two storey dwellings. The existing street scene would not be harmed by the erection of these two storey dwellings, and would add to the eix of designs along this road . The proposed dwellings are to be faced in brick and slate or tile, but a schedule of materials has not been provided, so this is proposed to be controlled by condition.

Other matters

When planning permission was previously granted conditions were appended; in order to ensure consistency certain conditions are replicated to this permission.

Conclusion

Taking the above into account, the proposed development is considered to be in accordance with Policies 2, 3, 4, and 36 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 14 of the National Planning Policy Framework (2019).

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.