DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H17-0110-24**	**Applicant:**	**Mr G & Mrs C Ingamells**
Proposal:	Proposed Replacement Dwelling		
Location:	25 The Reservoir Surfleet Spalding		
Terminal Date:	26th April 2024		

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
22	Replacement Dwellings in the Countryside
29	The Historic Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2023

Section 12 - Achieving well-designed and beautiful places
Section 14 - Meeting the challenge of climate change, flooding and coastal change
Section 16 - Conserving and enhancing the historic 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
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	1	0

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the demolition of an existing dilapidated pre-fabricated dwelling and erection of new dwelling at 25 The Reservoir, Surfleet Seas End. There is extant permission on the site under application H17-1289-21.

The application is accompanied by a block plan which indicates a dwelling that would cover a footprint around twice the size of the existing dwelling. The front elevation would be positioned in a similar place to the existing, with the dwelling extending further back into the site than present. The replacement property would be two storey, with bedrooms at first floor, as recommended by the submitted flood risk assessment. The ground floor level of the dwelling would be at 4.85m AOD for flood mitigation. The majority of replacement dwellings recently permitted at The Reservoir are to be raised to approximately this height and is a generally accepted approach.

Site Description

The existing property on the site has now been demolished following the planning approval H17-0466-21. The site fronts onto Surfleet Reservoir with a slope to the rear up to the roadway, which is accessed by existing concrete steps. There is approx. 2m high close board and concrete gravel board boundary treatment to the west and east. There is also higher hedging along the eastern boundary. Existing development along The Reservoir is mixed in terms of design and age, with some recent replacements visible.

History

H17-0466-21 - Full - Demolition of existing dilapidated pre-fabricated dwelling and erection of new dwelling - Approved 12.07.2021

H17-1289-21 - Full - Demolition of existing dilapidated dwelling and erection of new dwelling - re-submission of H17-0466-21- Approved 31.01.2022

Consultation Responses

The responses received from consultees during the initial consultation exercises, which can be viewed in their entirety through the South Holland website, can be summarised as follows:

Environment Agency

Environment Agency position
The proposed development falls within a flood risk vulnerability category that is inappropriate to the Flood Zone and is therefore contrary to the National Planning Policy Framework (NPPF) and planning practice guidance (PPG). Notwithstanding this, we are aware that other material considerations for this site have meant that planning permissions for similar development on this site have been found sustainable and that the principle of residential use on the site has been established as acceptable. Taking this into account, the proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (FRA) undertaken by S M Hemmings and the following mitigation measures it details:

· Finished floor levels shall be set no lower than 4.85 metres above Ordnance Datum (AOD)
· Voids should remain clear below the development to allow for flood water to be stored and not reduce the capacity of the flood plain (as shown on the plans in the FRA addendum).

These mitigation measures shall be fully implemented prior to occupation and subsequently shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in line with Policy 4 of the South East Lincolnshire Local Plan.

Welland & Deepings Internal Drainage Board

I recommend early consultation with the Environment Agency due to both the proximity and potential discharges to the River Glen.

SHDC Environmental Protection Officer

No comments

LCC Highway and Lead Local Flood Authority

Recommendation: Approve with conditions

Comments: The application is for a proposed replacement dwelling. This part of Reservoir Road is not adopted highway it is however a public right of way. The road is in parts single track road and so a Construction Management Plan will be required. The proposal will not have an adverse impact on the public highway.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Public Representation

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, no letters of representation have been received.

Key Planning Considerations

The main issues and considerations in this case are (but are not limited to):

- Principle of Development and Sustainability
- Layout, Design and Impact on the Character of the Area
- Impact on Neighbouring Residents/Land Users/Land Uses
- Highway Safety and Parking
- Flooding Risk Considerations
- Foul and Surface Water Drainage

Evaluation

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

In this case, the adopted South East Lincolnshire Local Plan 2011-2036, adopted March 2019, forms the development plan for the District, and is the basis for decision making in South Holland. The relevant development plan policies are detailed within the report above.

The policies and provisions set out in the National Planning Policy Framework (updated 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

Furthermore, where a Neighbourhood Plan has been adopted, this alongside the adopted Local Plan, forms part of the Development Plan for the District, and must be considered when assessing development proposals. In this instance, no relevant neighbourhood plans have been adopted.

Principle of Development and Sustainability

The South East Lincolnshire Local Plan sets out the settlement hierarchy in respect of delivering sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment; in order to provide enough choice of land for housing to satisfy local housing need, whilst making more sustainable use of land and to minimise the loss of high-quality agricultural land by developing in sustainable locations and at appropriate densities.

Policy 1 of the South East Lincolnshire Local Plan sets out a spatial strategy for delivering sustainable development across South East Lincolnshire to 2036. Policy 1 (Spatial Strategy) expresses this sustainable framework of settlements, ranking the settlements deemed to be most sustainable in descending order.

The most sustainable locations for development are situated within the 'Sub-Regional Centres', followed by 'Main Service Centres'. Lower down the hierarchy in respect of sustainable development are areas of limited development opportunity including Minor Service Centres, with areas of development constraint comprising 'Other Service Centres and Settlements'. The countryside is at the bottom of the settlement hierarchy and represents the least sustainable location.

The site is located outside of any settlement boundary as set out in the South East Lincolnshire Local Plan (2019) (SELLP) and is, therefore, classed as being in the countryside in planning policy terms. Policy 1 of the Local Plan (Spatial Strategy) states that development in the countryside will only be permitted that 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.

Notwithstanding the above, Policy 22 of South East Lincolnshire Local Plan (SELLP) 2019 relates to Replacement Dwellings in the Countryside. This policy states that "Proposals for the erection of replacement dwellings outside defined settlement boundaries will be permitted provided that:

1. the residential use of the building to be replaced (the original building) has not been abandoned;

2. the original building is permanent, has not become derelict and is not the result of a temporary permission;

3. the original building is not of architectural or historic merit and is not capable of repair;

4. the replacement building is of a high standard in terms of architectural detailing and materials of construction;

5. the replacement building is positioned on a similar footprint to the original building unless it can be demonstrated that the re-positioning would have beneficial impacts such as improving the character and appearance of the site and its locality; and

6. the replacement building does not exceed the floor area of the original dwelling by more than 40%, unless the development is of exceptional quality or innovative in nature in terms of its design, use of materials and levels of energy efficiency"

The residential use of the building has not been abandoned. The Reservoir is an area of Surfleet that was mostly developed from the 1930s onwards and there are a range of historic temporary properties as well as repurposed and prefabricated single storey buildings in the area, including the application site. A number of these are of relatively poor constructional quality and several have been replaced in recent years due to their deteriorating state. A precedent has therefore effectively been set for the replacement of such buildings at The Reservoir.

LCC's Historic Environment Officer has commented on previous applications for other replacement dwellings in the vicinity that The Reservoir is a non-designated heritage asset and that new development here should be sensitive to the surrounding historic environment, and designed with reference to locally distinctive materials and built forms in order to preserve The Reservoir's character and sense of place. This is a consideration, however The Reservoir is a setting that lends itself to a high quality form of development that seizes the opportunity to make the most of the waterside setting. Over the years, dwellings at The Reservoir have been replaced and some of these are more modern in terms of design. The proposed design is modern in nature and good quality materials would be used in its construction.

The replacement dwelling is positioned on a similar footprint to the original building, although it is larger. The floor area of the replacement dwelling exceeds that of the original dwelling by more than 40%. However, this is partly due to the introduction of an additional storey as recommended by the flood risk assessment. The plot can accommodate a larger dwelling, which the applicant is seeking to make best use of.

In this instance, the site has extant permission as detailed above and can therefore be redeveloped until the expiration of that permission. Therefore, this extant permission holds weight within the consideration of this proposal and its acceptability in principle.

As such, when considered on balance, whilst the proposal has a conflict with the development plan policy detailed, the proposal is considered to be largely in accordance with the requirements of the South East Lincolnshire Local Plan when viewed in principle. As such, the principle of development is considered to be acceptable, in this instance, when viewed as a whole. This is subject to the assessment against site specific criteria; including (but are not limited to) the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, the potential flood risk and impact on highway safety, which are discussed below.

Layout, Design and Consideration of the Character and Appearance of the Area

Section 12 of the National Planning Policy Framework (December 2023) specifically relates to 'Achieving well-designed places' and details that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve" and as such, it is generally accepted that good design plays a key role towards sustainable development.

Paragraph 135, contained within Section 12 of the National Planning Policy Framework (December 2023), states that new development should function well and add to the overall quality of the area (including beyond the short term) and should be visually attractive as a result of good architecture and appropriate landscaping. This goes on to establish that it is important that new development should be of the highest quality to enhance and reinforce good design characteristics, and that decisions must have regard towards the impact that the proposed development would have on local character and history, including the surrounding built environment and landscape setting such as topography, street patterns, building lines, boundary treatment and through scale and massing.

Development proposals should also ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, among other considerations.

Likewise, Policy 2 of the South East Lincolnshire Local Plan outlines sustainable development considerations for development proposals, providing a framework for an operational policy to be used in assessing the sustainable development attributes of all development proposals. Furthermore, Policy 3 accords with the provisions of Section 12 of the National Planning Policy Framework, in that it requires development to comprise good design; identifying issues that should be considered when preparing schemes so that development sits comfortably with, and adds positively to, its historically-designated or undesignated townscape or landscape surroundings.

These policies accord with the provisions of the National Planning Policy Framework and require that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

Proposals for new development would therefore require the aforementioned considerations to be adequately assessed and designed, including the siting, design and scale to be respectful of surrounding development and ensure that the character of the area is not compromised.

LCC's Historic Environment Officer has previously indicated that The Reservoir is a non-designated heritage asset and that new development here should be sensitive to the surrounding historic environment, and designed with reference to locally distinctive materials and built forms in order to preserve The Reservoir's character and sense of place. It is accepted that the area does have a unique character but there are examples of more modern replacements on The Reservoir. Furthermore, as the site is located within a functional flood plain, there are certain aspects of the design that are dictated by the requirement for mitigation. There is a requirement for floor levels to be raised and it is preferable for sleeping accommodation to be sited at first floor which has a consequent impact on the height of any proposed replacement. Given the age of most of the properties at The Reservoir, and the temporary nature of most of these, it is to be expected that replacement dwellings will be sought in time and that the character will change because of this and the need to incorporate flood mitigation measures as previously described. The ridge height of the proposed replacement would be higher than the existing and neighbouring properties but, as previously mentioned, there are examples of dwellings of varying height sited next to one another. Furthermore, the setting at The Reservoir offers the opportunity to bring forward higher quality development in the future to take advantage of this. The proposal seeks to do just that.

With regards to the alterations submitted within this application to the proposal previously approved, the projection from the south east elevation, now runs along the whole elevation and now includes three large windows.

Two of the previously approved roof lights to the north east elevation and one previously approved roof light to the south west elevation are to now be high level windows. The alteration to the windows is considered to be minor in visual terms.

Taking account of the design, scale and nature of the development, as detailed above, the proposal is considered to be acceptable. The proposal would not cause an adverse impact to the character or appearance of the area and would therefore be in accordance with policies 2 and 3 of the South East Lincolnshire Local Plan and Section 12 of the National Planning Policy Framework (December 2023).

Impact on Residential Amenity/Land Users

Paragraph 135 of the National Planning Policy Framework (December 2023) states that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policies 2 and 3 of South East Lincolnshire Local Plan (2019) sets out that residential amenity and the relationship to existing development and land uses is a main consideration when making planning decisions.

It is not considered that the proposal would have a material adverse impact on residential amenity in terms of being overbearing or causing overlooking or loss of light.

The windows and rooflights to the north-eastern elevation will overlook an area of vegetation, with the neighbouring property on that side (no. 38) being set much further back. The property to the north-east (no. 24) is approx. 25m away, which is sufficient to prevent a material overlooking issue. Windows and rooflights on the south-western side are high level and the front elevation faces onto the water, therefore there will be no overlooking aspect in this regard.

Any views from the steps to the entrance on the north-eastern elevation or rear terrace would be fleeting. There was also already an element of overlooking from the existing rear terrace and it is understood that garden levels will remain as existing. On the basis of these considerations, it is not considered that there is justifiable reason for refusal on grounds of overlooking.

As detailed above, the scale and design of the proposal is considered to be such that there would be no significant or unacceptable impact on the residential amenities of the occupiers of adjacent properties or land users, when also taking account of the conditions recommended. As such, the proposal is considered to accord with the provisions of the Section 12 of the National Planning Policy Framework, and Policies 2 and 3 of the Local Plan.

Highway Safety and Parking

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises 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".

In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways will be secured, where they are relevant to the proposal.

Further, policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan, sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

The submitted block plan indicates two parking spaces adjacent to the roadway to the south. LCC Highways have been consulted and have not raised any objections stating "The application is for a proposed replacement dwelling. This part of Reservoir Road is not adopted highway it is however a public right of way. The road is in parts single track road and so a Construction Management Plan will be required. The proposal will not have an adverse impact on the public highway."

The proposal would therefore be acceptable and would not have an unacceptable adverse impact on highway safety in accordance with Local Plan Policies 2, 3 and 36, and Section 9 of the National Planning Policy Framework.

Flooding Considerations

Section 14 of the NPPF requires development plans to "apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

If, following the application of the Sequential Test, 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 can be applied if appropriate.

The site lies within Flood Zones 3b of the Environment Agency's Flood Maps. These 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.

The South East Lincolnshire Strategic Flood Risk Assessment (SFRA) provides an overview of how flood risk has been considered in shaping the proposals of the Local Plan; including the spatial strategy and the assessment of housing and employment sites. Policy 4 of the South East Lincolnshire Local Plan is clear in that "Development proposed within an area at risk of flooding (Flood Zones 2 and 3 of the Environment Agency's flood map or at risk during a breach or overtopping scenario as shown on the flood hazard and depths maps in the Strategic Flood Risk Assessment) will be permitted" in instances where specific criteria is met.

It is worth noting that large parts of the district of South Holland 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 site is within an area identified as a functional flood plan in the South East Lincolnshire Strategic Flood Risk Assessment (March 2017). The submitted FRA recommends that the ground floor level should be at a minimum of 4.85m OD, which is just above the predicted flood level (4.83m OD). It also recommends that any dwelling be two storey, with bedrooms at first floor. The proposal complies with these recommendations. The Environment Agency have no objections subject to the development being carried out in accordance with the submitted FRA and associated addendum.

Overall, when considering the development on balance, it is considered that given the mitigation measures detailed and recommended by condition, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East Lincolnshire Local Plan and the intentions of the National Planning policy Framework in this regard.

Biodiversity Net Gain

The application was submitted prior to mandatory requirements for Biodiversity Net gain as introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) which requires developers to deliver a minimum of 10% Biodiversity Net Gain using standardized biodiversity units measured by statutory biodiversity metrics. For applications such as the current scheme, submitted prior to the introduction of this requirement, a standard biodiversity condition is appropriate together with the installation of swift bricks. This is considered sufficient at this time to conform with policy 28 of the SELLP.

Any Other Business

As previously stated, the application site has extant planning permission under application H17-1289-21. The plans submitted under the current application do not significantly differ in that they largely comprise matching details with a slight extended aspect, and therefore the Local Planning Authority would be unreasonable to refuse this application.

Planning Balance

As detailed above, Section 38 (6) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The proposal would result in a form of development that would be better protected against a flood event, would be more attractive in visual terms and more permanent in structure. The development hereby proposed does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan and the provisions of the National Planning policy Framework when viewed as a whole.

In this instance, there are no material considerations that weigh against the proposal and as such, the planning balance is in favour of the development.

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

Taking into consideration these factors, the proposal is considered to comply with Policies 2, 3, 4 and 22, along with Appendix 6, of the South East Lincolnshire Local Plan (SELLP), 2019; in addition to the identified sections contained within the National Planning Policy Framework (NPFF) (2023). Notwithstanding the aforementioned minor conflicts, there are no significant factors in this case that would outweigh the benefits of the proposal; therefore, in considering all the matters raised above the planning balance is in favour of the proposal and the policies referred to above.

The recommendation is therefore for a delegated approval.