

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H17-0128-24 **Applicant:** Mr T Forman

Proposal: Erection of 2 dwellings - previously approved under H17-1284-21

Location: Land Between 12 Flaxmill House & Old Lammas Reservoir Road Surfleet Seas End

Terminal Date: 11th 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
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 2023

Section 2. Achieving sustainable development.
Section 5. Delivering a sufficient supply of homes.
Section 12. Achieving well-designed and beautiful 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	1	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	1
OTHER STATUTORY BODIES	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

The site has previously had planning permission for 2 no. 5-bed two-storey dwellings, originally H17-0346-19 and H17-1284-21, and most recently H17-0689-23 (S73), which expired on 1 February 2024. This application is essentially a renewal.

Site Description

The application site is located between two existing frontage two storey dwellings (known as Flaxmill House and Old Lammas) and is part of a wider agricultural field which extends to the rear of these properties. There are two detached properties opposite. The majority of dwellings in the vicinity are large and set within generous sized plots. There is existing close boarded fencing along the eastern boundary. The northern and southern boundaries are open and the western boundary is mostly open.

Recent History

H17-0346-19 - Outline - Residential development - 2 plots - Approved May 2019.

H17-1283-21 - Cond Comp - Details of scheme to deal with contamination & boundary treatment (Conditions 4 ((i), (ii)) & 5 of H17-0346-19) - Approved February 2022.

H17-1284-21 - RM - Erection of 2 Dwellings - outline approval H17-0346-19 - Approved February 2022.

H17-0641-22 - Cond Comp - Details of written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters (Condition 4 iii of H17-0346-19) - Approved August 2022.

H17-0685-23 - Cond Comp - Details of colour of render & cladding (Condition 2 of H17-1284-21) - Withdrawn September 2023.

H17-0689-23- S73 - Erection of 2 dwellings - approved under H17-1284-21. Modification of Condition 1 to allow amendments to previously approved plans - Approved 26 September 2023 (expiry 1 February 2024).

Consultation Responses

Surfleet Parish Council

Support.

Local Lead Flood and Highway Authority

No objections subject to informatives.

Environmental Protection

Contamination - In general agreement with the proposals for remediation and validation. Request 2 copies of an independent verification report prior to occupancy.

Noise - No objections.

Welland and Deepings Internal Drainage Board

No comments.

Environment Agency

Request conditions relating to flooding and unexpected contamination.

LCC Archaeology

No archaeological input required.

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 responses 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
- Biodiversity

Evaluation

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, 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 December 2023) are also a material consideration in the determination of planning applications, alongside adopted Supplementary Planning Documents.

The Authority is able to demonstrate a supply of deliverable sites equivalent to in excess of 5 years through the latest Housing Land Supply Assessment.

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 in terms of sustainability.

Policy 1 (Spatial Strategy) of the South East Lincolnshire Local Plan indicates that within Minor Service Centres, development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. This policy goes on to detail that development within Minor Service Centres will normally be limited to Allocated and Committed sites and infill.

The application site in this instance is within Surfleet, a Minor Service Centre, and lies within the defined settlement boundary as detailed by Policy 1. In context of this, the principle of residential development within this location is considered to be appropriate, comprising an appropriate form of development for the location and would be in accordance with the overall principles of the spatial strategy.

As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan when viewed in principle. 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, impact on highway safety and flood risk, etc, which are discussed below.

Character/appearance

The proposal is for 2 x 5-bed two-storey dwellings. The proposed materials of construction are predominantly TBS Olde Coach House brick with some rendering and cladding, with natural slate roof tiles. Fenestration would be white wood grain UPVC with stone cills. The proposed brick type is similar to the dwelling to the east of the site and in keeping with other red brick properties in the vicinity. The colour of the cladding and render would be cream.

Whilst the properties are relatively large, they are comparable in scale to other dwellings in the vicinity and of a high standard of design and in keeping in visual terms.

The dwellings are set back from the road with detached double garages sited to the front. The garage to Plot 2 will generally be seen in the context of the neighbouring property to the east and that to Plot 1 is close to an existing detached dilapidated building (to be demolished) at the road frontage. On this basis, it is not considered that the garages being sited forward of the dwellings would represent an unduly obtrusive feature. There are other examples of dwellings being set back from the road in the vicinity (eg. on the corner of Seas End Road and Reservoir Road).

The Environment Agency requires that finished floor levels be set at least 4.65m aOD, which is approx. 150mm above Reservoir Road in front of the site. Reservoir Road is higher than the majority of the site and the dwellings would be raised by approx. 300-400mm above existing ground level. Dwellings raised to that level would not materially impact the street scene.

Taking the above into account, it is concluded that the layout, scale and appearance of the scheme satisfactorily accords with Policies 2 and 3 of the Local Plan. Policy 2 of the Local Plan requires development proposals to take into account sustainable development considerations such as: quality of design; size, scale, layout, density, impact on character and appearance of the area and the relationship to existing development. Policy 3 requires development proposals to respect the density, scale and massing of neighbouring buildings and the landscape character of the location.

These policies accord with the provisions of the National Planning Policy Framework (December 2023) 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.

Amenity

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.

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.

Detached dwellings are located to the east (Old Lammas) and west (Flaxmill House). The existing dwelling to the east has facing windows belonging to a family room (ground floor) and bedroom and en-suite (first floor). However, the side facing windows/doors to the dwelling sited on Plot 2 are only to non-habitable spaces (en-suites and utility) and front/rear facing windows are at an oblique angle, thus meaning no material overlooking aspect in that regard. As Plot 1 is handed, it means that those same windows face the dwelling to the west. There are no longer side facing windows serving an attic. There are no dwellings to the rear of the site and the relationship with the properties opposite is tantamount to a normal frontage relationship.

As the dwelling sited on Plot 2 is set back further than the existing dwelling to the east, this minimises the impact of the development from the neighbouring side facing windows highlighted above. This does however mean that the new dwelling would project approximately 8m beyond the rear elevation of the Old Lammas. Given that there is a separation distance of approx. 6.8m and there is an existing large single storey building within the curtilage of the Old Lammas on the western side, it is not considered that there would be a material overbearing impact, or an unacceptable loss of light given the orientation of the dwellings.

There is an approx. 30m separation distance to Flaxmill House to the west, which is sufficient to retain/achieve an acceptable standard of residential amenity.

The patios to the rear of dwellings would be raised by approx. 200mm and the remaining level of the rear garden would not be significantly different to that existing. On that basis, 2m high fencing to the central and western boundaries is appropriate. No new boundary treatment is proposed on the eastern boundary but the existing boundary treatment to the rear of the neighbouring property is either approx. 1.8m fencing or where it is lower there is evergreen hedging that appears to be over 2m in height. This is of a sufficient height given the proposed levels and the fact that views from the patio towards the neighbouring dwelling would largely be obscured by the intervening outbuilding.

Concluding, it is considered that the amenity of neighbouring residents would not be materially harmed in terms of overlooking, lack of privacy, overshadowing, overbearing effect, noise and disturbance, etc. This is subject to a condition relating to boundary screening.

In light of the above, the proposal is considered to accord with Policies 2 and 3 of the Local Plan in respect of their provisions on residential amenity.

Highway safety/parking

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.

Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the Framework 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 this case, sufficient on-site parking has been provided. LCC Highways has indicated that the proposal would not have an unduly harmful impact on the public highway. The proposal is therefore

in accordance with Policies 2, 3 and 36 of the SELLP.

Flood risk/drainage

The NPPF requires the application of the Sequential Test to steer new development to areas with the lowest probability of flooding. 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 South East Lincolnshire Strategic Flood Risk Assessment (March 2017) is 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 probability 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 Section 14 of the NPPF.

The site is located within Environment Agency Flood Zone 1, however the South East Lincolnshire Strategic Flood Risk Assessment (March 2017) identifies that the site could be exposed to flood depths of up to 250mm and is a combination of low hazard and danger to some in terms of hazard.

Nevertheless, the Local Plan has identified sequentially preferable sites in terms of flood risk that are capable of meeting the identified housing targets for individual settlements. In this respect, the site is within Surfleet Settlement Limit.

The exceptions test is not normally required for "more vulnerable" development within Flood Zone 1. That said, it is recommended in this case because of the site's classification of low hazard and danger to some within the South East Lincolnshire Strategic Flood Risk Assessment (March 2017).

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

In this case, it is accepted that the development would provide some wider sustainability benefits to the community through its ability to help meet the housing need, and other benefits including generating employment during the construction period.

In terms of making the development safe, this would result in finished floor levels being set at 4.65m OD. This would be sufficient to mitigate against flood risk.

Given the above, it is considered reasonable to conclude that the Exceptions Test can be passed in this instance and the proposal is in accordance with development plan policy and advice within the National Planning Policy Framework.

Ecology

Policy 2 of the South East Lincolnshire Local Plan (SELLP), 2019 states that sustainable development considerations should be met in relation to such matters as impact or enhancement for areas of natural habitats. Policy 3 indicates that development proposals should, where relevant to the proposal, include the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity.

Policy 28 outlines that a high quality, comprehensive ecological network of interconnected designated sites, sites of nature conservation importance and wildlife-friendly greenspace will be achieved by protecting, enhancing and managing natural assets. This policy details a need to address gaps in the ecological network by ensuring that all development proposals shall provide an overall net gain in biodiversity.

Tree planting is proposed along the frontage, plus Swift boxes would be installed on the dwellings. This constitutes a biodiversity net gain in accordance with policy 28 of the SELLP.

It should be noted that 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.

Contamination

Environmental Protection are general agreement with the proposals for remediation and validation. Along with the Environment Agency, they have requested that an independent verification report be submitted prior to occupancy.

Planning Balance

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

The site is within Surfleet Settlement Limit as defined within the South East Lincolnshire Local Plan (SELLP), 2019. The proposal does not materially harm the character or appearance of the locality, or amenity of nearby residents, whilst conforming with the SELLP and the provisions of the National Planning Policy Framework when viewed as a whole.

No objections are raised on highway, flood risk and ecology grounds, subject to conditions where appropriate.

Conclusion

Taking the above into account, the proposal is considered to be in accordance with Policies 1, 2, 3, 4, 28, 30 and 36 of the South East Lincolnshire Local Plan (2019) as well as Sections 12 and 14 of the National Planning Policy Framework (December 2023).

There are no significant factors in this case that indicate against the proposal and outweigh the consideration in favour of the proposal and the policies referred to above.

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.

Recommendation

That the application be approved under delegated powers, subject to conditions.