

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H17-0130-23 **Applicant:** Mr I Bates

Proposal: Demolition of 180 Station Road, associated outbuildings, adjacent shed and erection of 7 two and three bed houses

Location: Land Off Station Road Surfleet Spalding

Terminal Date: 17th August 2023

Planning Policies**South East Lincolnshire Local Plan - Adopted: March 2019**

01	Spatial Strategy
02	Development Management
03	Design of New Development
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance**National Planning Policy Framework 2021**

5 - Delivering a sufficient supply of homes
12 - Achieving well-designed places
14 - Meeting the challenge of climate change, flooding and coastal change

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
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

RESIDENTS	2	0	0	0
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CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application at Land off Station Road, Surfleet for demolition of 180 Station Road, associated outbuildings, adjacent shed and erection of 7 two and three bed houses. Three plots are located on the site frontage, with four plots to the rear, served by an access road adjacent to the eastern site boundary.

Plot 1 and 2 are semi-detached dwellings on the site frontage. The internal layout is mirrored. Both plots will contain a kitchen, wc and lounge at ground floor level. Two bedrooms and a bathroom will be provided at first floor level. Two off road parking spaces for Plot 1 are sited to the northern rear of Plot 2 with an adjacent path to allow rear access to the property via the rear garden. Two off road parking spaces for Plot 2 are sited to the western side of the dwelling, adjacent to Plot 3. The dwellings are to be constructed from red facing brickwork with buff detailing brickwork and slate effect roof tiles. Exact details of the materials of construction would be addressed by condition.

Plot 3 is a detached dwelling on the site on the site frontage. A lounge, wc, dining room, utility and kitchen are to be sited at ground floor level. Three bedrooms, an en-suite and a bathroom are to be sited at first floor level. Two off road parking spaces are sited to the west of the dwelling adjacent to the western site boundary. This dwelling is to be constructed from red facing brickwork with buff detailing brickwork and terracotta pantiles. Exact details of the materials of construction would be addressed by condition.

Plot 4 and 5 are semi-detached dwellings on the site frontage. The internal layout is mirrored. Both plots will contain a kitchen, wc and lounge at ground floor level. Two bedrooms and a bathroom will be provided at first floor level. Two off road parking spaces for Plot 4 are sited to the west of the dwelling adjacent to the western boundary. Two off road parking spaces for Plot 5 are sited to the eastern side of the dwelling. The dwellings are to be constructed from red facing brickwork with buff detailing brickwork and slate effect roof tiles. Exact details of the materials of construction would be addressed by condition.

Plot 6 and 7 are semi-detached dwellings on the site frontage. The internal layout is mirrored. Both plots will contain a kitchen, dining area, wc and lounge at ground floor level. Three bedrooms, an en-suite and a bathroom will be provided at first floor level. Two off road parking spaces for Plot 6 are sited to the west of the dwelling adjacent to the parking for Plot 5. Two off road parking spaces for Plot 7 are sited to the eastern side of the dwelling adjacent to the public footpath. The dwellings are to be constructed from red facing brickwork with buff detailing brickwork and slate effect roof tiles. Exact details of the materials of construction would be addressed by condition.

An officer site visit was conducted on Wednesday the 22nd of February 2023.

This application has been amended to provide a relocated 2 metre wide public right of way at the eastern boundary of the site and clarify the position of the public right of way.

SITE DESCRIPTION

The site is within the defined settlement limits of Surfleet. Dwellings and the Riverside Public House are sited to the south on the opposite side of Station Road. 176 Station Road and the garden area of 172 Station Road are located to the west of the site. Established trees are outside but adjacent to the northern boundary of the site, with Station Road and dwellings beyond. Untidy waste ground is located beyond the eastern boundary of the site. The site is in Environment Agency Flood Zone 1 and is not subject to increase flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. There is therefore not a requirement to raise finished floor levels to address potential flood risk.

RELEVANT HISTORY

H17-1040-17

Full - Demolition of shed and associated outbuildings and replacement with five 2 and 3 bedroom houses - Approved - 26 April 2018.

H17-0219-21

Condition Compliance - Details of existing & proposed site levels, scheme to deal with contamination, storage & disposal of refuse & recycling, boundary treatment and external materials (Conditions 3, 4, 5, 7 and 8 of H17-1040-17) - Withdrawn.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

No objections. Requests a removal of existing access condition, and a public footpath condition. They also request new access, construction damage, highways legal agreement, utility and private road informatives.

Lincolnshire County Council - Public Right of Way Officer

"The applicant has raised an issue with the location of that part of Surfleet Public Footpath 1 across the proposed development site between the two legs of Station Road. Having considered the legal record of public rights of way (the Definitive Map and Statement) together with other documents and having taken the advice of my colleagues, the County Council considers that there is sufficient tolerance within the legal record for this part of the public footpath to run north-south along the inside of the eastern boundary of the development site. As such, the County Council will ensure that the electronic working copy rights of way map is amended to reflect this. Despite that this part of the public footpath having been set out on this line for the past 16 years with a width of 1 metre and a stile at one end and a kissing gate at the other end, there is nothing in the legal record which has ever limited the public footpath to this width. As such, the County Council has advised the applicant that a 2-metre for the public footpath be provided within the scheme or be left, as this would ensure that there is sufficient room to allow for two pedestrians to pass each other on the route."

South Holland District Council - Environmental Protection

Requests the standard contaminated land condition.

South Holland District Council - Environmental Services

Have declined to respond to consultation response requests.

Welland & Deepings Internal Drainage Board

No comments.

Members of the public

This application has been advertised in accordance with the Council's Statement of Community Involvement and the Development Procedure Order. In this instance, three letters of representation have been received. These can be summarised as:

Limited parking available on site.

Impact on drainage

Disruption during construction - This is not a matter of material planning weight.

Right of way present adjacent to western boundary - This is a civil matter and not a matter of material planning weight.

KEY PLANNING CONSIDERATIONS

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

Principle of development
Flood risk
Character
Amenity
Housing need
Parking
Public Right of Way

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 above.

The policies and provisions set out in the National Planning Policy Framework (updated July 2021) 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

Policy 1 of the SELLP directs developments to the most sustainable locations. As Surfleet is defined as a minor service centre, it is assessment against the followed criteria:

'Within the settlement boundaries of the Minor Service Centres (as shown on the Inset Maps) 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. Development will normally be limited to Allocated and Committed sites and infill.'

When assessed against the relevant criteria the following can be observed:

Whilst the proposed cannot strictly be defined as infill, it would be sited within an established line of development, would help sustain existing facilities, and is considered to constitute a brownfield site.

The proposal therefore accords to Policy 1 of the SELLP and as such, the principle of development in this location is sound.

Flood Risk / Site Levels

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.

The site is in Environment Agency Flood Zone 1 and is not subject to increase flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. Surface water will be addressed via soakaway with foul water addressed by mains sewer. As the soakaway details are not shown on the submitted plans, a condition requesting further soakaway details is required.

Flood risk matters are considered to have been adequately addressed.

Character / Appearance

Section 12 of the National Planning Policy Framework (2021) 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 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area. That they are visually attractive, as a result of good architecture, and are sympathetic to local character. Likewise, Policy 2 of the SELLP, states 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.

The dwellings are similar in terms of design, massing and materials of construction to those to the north of Station Road beyond the northern boundary.

There is not considered to material impact on character and appearance from this proposal which accords with the relevant criteria of Policies 2 and 3 of the SELLP.

Amenity

Paragraph 130 of the National Planning Policy Framework (2021) 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.

Visually the proposal is considered to improve the visual amenity of the area by removing a dilapidated industrial building and rusting scrap yard sited toward the eastern boundary. There is not considered to be a noise, odour or disturbance impact from the proposal. With regard to visual intrusion the following can be observed:

Overdevelopment. There is not considered to be an overdevelopment impact. The plot sizes are comparable with those of Bracken Road beyond the northern boundary of the site.

Overshadowing - There is not considered to be an overshadowing impact. Plots 1, 2 and 3 are of a standard frontage orientation and the rear dwellings at Plots 4, 5, 6 and 7 are 22 metres away from the frontage dwellings at the nearest point. There will be a small loss of light to the ground floor western side elevation window of the Plot 2 lounge, but this room is also served French Doors to the rear. The first floor western side elevation window is obscure glazed and serves a bathroom. This is not a habitable room there is not considered to be a material loss of light to this window. At Plot 3 the side elevation windows serve an obscure glazed ground floor wc and a first floor obscure glazed bathroom. Ample light will reach these rooms in the afternoon. Plot 4 has a west facing ground floor lounge window that will receive an acceptable level of light in the afternoon. This room is also served by north facing rear elevation French Doors. The first floor western side elevation window is obscure glazed and serves a bathroom. This is not a habitable room there is not considered to be a material loss of light to this window. Plot 5 has an east facing ground floor lounge window that will receive an acceptable level of light throughout the morning, as will the first floor bathroom. When right to light lines are drawn from the roof of Plot 6, neither window suffers from a material loss of light. Plot 6 has a west facing side elevation ground floor window. There is not considered to be a material loss of light to this window, with the lounge also served by a south facing frontage window. The west facing side elevation first floor obscure glazed window of Plot 6 serves a bathroom. This window will receive an ample amount of light throughout the afternoon. With regard to Plot 7, there is no development to the east so there is not considered to be a material loss of light to the side elevation windows.

Overlooking - There is not considered to be an overlooking impact. Plots 1, 2 and 3 are of a standard frontage orientation and the rear dwellings at Plots 4, 5, 6 and 7 are 22 metres away from the frontage dwellings at the nearest point. The first floor rear elevation windows of Plots 4, 5, 6 and 7 are 36 metres away from the nearest dwelling with established trees sited immediately adjacent to the northern boundary. At Plot 2 the side elevation ground floor lounge window faces the blank east

facing side elevation wall of Plot 3. The west facing ground floor side elevation lounge window of Plot 5 does face the east facing ground floor side elevation window of Plot 6. However, there is likely to be parked cars between the two properties when occupants are at home, and the narrow windows do not offer a material overlooking impact. All first floor side elevation windows are obscure glazed and all other side elevation ground floor windows do not immediately face other dwellings.

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.

Housing Need

Policies 10 and 11 of the SELLP set out the required housing needs for Surfleet. 180 new dwellings are required within Surfleet, as of the publication of the SELLP, 90 dwellings have been approved. Therefore, there is a tangible need for housing within Surfleet.

Policy 17 states that a mix of housing is required to meet the needs of the local population. The proposed two and three bedroom properties would help achieve this variation in property types. As the proposal is small in nature, the actual benefit to the housing stock is minimal, but should still weigh positively in favour of the development.

Para 69 of the NPPF also emphasises the importance that the contribution of small to medium sized sites can make in meeting the housing requirements. ("Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly"). This policy seeks to ensure that there is a sufficient supply of homes and advises that sites of all sizes make a contribution to the housing requirement of an area.

The proposal therefore conforms to Policy 10, 11 and 17 of the SELLP by providing a suitable mix of housing to the area.

Parking / Highway Safety

Section 9 of the National Planning Policy Framework (2021) specifically relates to 'Promoting sustainable transport'. Paragraph 111 of the National Planning Policy Framework (2021) 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.

Furthermore, 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.

Appendix 6 of the SELLP requests that dwellings with three bedrooms or fewer have a minimum of two off road parking spaces. Each property within this proposal accords with Appendix 6.

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.

Public Right of Way

The Public Right of Way Officer has stated: *"The applicant has raised an issue with the location of that part of Surfleet Public Footpath 1 across the proposed development site between the two legs of Station Road. Having considered the legal record of public rights of way (the Definitive Map and*

Statement) together with other documents and having taken the advice of my colleagues, the County Council considers that there is sufficient tolerance within the legal record for this part of the public footpath to run north-south along the inside of the eastern boundary of the development site. As such, the County Council will ensure that the electronic working copy rights of way map is amended to reflect this. Despite that this part of the public footpath having been set out on this line for the past 16 years with a width of 1 metre and a stile at one end and a kissing gate at the other end, there is nothing in the legal record which has ever limited the public footpath to this width. As such, the County Council has advised the applicant that a 2-metre for the public footpath be provided within the scheme or be left, as this would ensure that there is sufficient room to allow for two pedestrians to pass each other on the route."

It is considered that the stance of the Public Right of Way Officer is acceptable. The comments given will allow the development to progress and provide an upgraded and clearly defined public right of way for further future use.

Bin collection

The proposed refuse and recycling strategy has been provided on the updated plan 582.SL.01 Rev B. The strategy states: "Each home is to be provided with internal refuse / recycling bins. Once the sacks from the internal bins are full they can be taken and stood in external wheelie bins provided by the developer, within the private gardens. On the day of collection the occupier will wheel the wheelie bins from the garden to the kerbside at the front of the site and remove the sack(s) from the wheelie bin and place them by the kerbside. The wheelie bin will then be wheeled back to the private garden."

Plots 4, 5, 6 and 7 are over 30 metres from the kerbside. Usually a private collection company or combined wheeled trolley is requested in this scenario. However, the preferred refuse collection strategy of the Environmental Services does not consider wheelie bins which are not used across the district. Despite repeated requests for a consultation response the Environmental Services Department have declined to respond.

It is considered by the Local Planning Authority that the proposed collection scheme allows for waste to be securely stored and safely transported. Therefore, the proposed scheme is considered appropriate for the site.

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 proposal is considered to help improve the character of the surrounding area by removing dilapidated buildings and providing modern homes to help meet local housing needs. There is not considered to be an amenity impact on neighbouring properties and an improved relocated public right of way will be provided as a result of the proposal.

CONCLUSION

This application is considered to accord with Policies 1, 2, 3, 10, 11, 17, 36 and Appendix 6 of the South East Lincolnshire Local Plan, 2019, as well as Sections 5, 12 and 14 of the National Planning Policy Framework, 2021.

RECOMMENDATION

Based on the assessment detailed above, it is recommended that the proposal should be approved under Delegated Authority.

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.