

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H17-0216-21 **Applicant:** Mrs B Orrey
Proposal: Demolition of existing dwelling and erection of new dwelling
Location: 15 The Reservoir Surfleet Spalding
Terminal Date: 25th June 2021

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
17	Providing a Mix of Housing
22	Replacement Dwellings in the Countryside
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

Sections 5, 12 and 14 of the 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	1	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK ASSESSMENT	0	0	0	1
HIGHWAYS & SUDS	0	0	0	1

SUPPORT				
IAN MARSHMAN, HISTORIC ENVIRONMENT OFFICER	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	1	1
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application at 15 The Reservoir, Surfleet for demolition of an existing dwelling and erection of a new dwelling. The proposal seeks to provide a single storey two bedroom dwelling that also contains a wc, office and an open plan kitchen / living / dining area. The dwelling has water / flood flow channels underneath to protect the property in the event of a flood, and is raised 1.12 metres above ground level. The dwelling will measure 8.9 metres in width, 9 metres in depth and have a maximum height of 4.87 metres. The main body of the dwelling will be clad in black Cedral wood effect cladding with aluminium windows and doors. The internal panel and removable deck area will be made of ivory wood colour composite decking board.

On the opposite side of the road a single storey, flat roofed garage is to be provided with an external electric vehicle charger. The garage is L-shaped and is 8.99 metres wide with a depth of 12 metres and a flat roof height of 3.65 metres. The garage will be clad in black Cedral wood effect cladding, with aluminium windows and doors. The parking area will be light colour pea gravel with external provision for three cars and an additional space in the garage.

SITE DESCRIPTION

The site is outside of defined settlement limits and is in a functioning floodplain. There are dwellings on The Reservoir to the east and west, with a dwelling beyond the garage area to the north on Reservoir Road, and the River Glen to the south.

HISTORY

No relevant history.

CONSULTATION RESPONSES

Environment Agency

The Environment Agency request the following condition:

The development shall be carried out in accordance with the submitted flood risk assessment (ref:

GCB/ORREY) dated April 2021 and drawing reference EV0NE0078, Rev. H and the following mitigation measures it details:

- Finished floor levels shall be set at 5.21 metres above Ordnance Datum (AOD), which is 1.12 metres above existing ground level.
- Flood resistant/resilient measures shall be included such as electricity points 450mm above ground level.
- The property shall be built with openings underneath that should be left unobstructed to allow floodwaters to flow beneath the structure.

Reasons:

1. To reduce the risk of flooding to the proposed development and future occupants.
2. To prevent flooding elsewhere.

LCC - Historic Environment Officer

"I recommend that the impact of the proposed modern design and materials of any replacement dwelling is carefully assessed by the local planning authority and its impact on the unique character of The Reservoir considered, with input from the Conservation Officer if necessary."

SHDC - Environmental Health Technician

No objection.

SHDC - Environmental Protection Officer

"I request either of the following conditions be applied at this location:

- a) i) Prior to the commencement of any development details of precautionary ground gas protection measures shall be submitted to and approved in writing by the Local Planning Authority.
- ii) Prior to the first occupation, a suitably detailed ground gas verification report shall be submitted and approved in writing by the Local Planning Authority.

OR

I request the standard land contamination condition be applied."

Welland & Deeping Internal Drainage Board

No objections.

Lincolnshire Wildlife Trust

"This development appears to be immediately adjacent to the River Glen Local Wildlife Site. Any works planned must not impact on the interest features of the Local Wildlife Site. The application does not highlight proximity to a local wildlife site in section 13."

Surfleet Parish Council

Support.

Members of the public - 2 (1 objection, 1 support)

Concerns with roof height of dwelling.

Concerns with footprint of garage.

Requests installation of three swift nest bricks - The application is not a brick construction, therefore it would be difficult to incorporate swift bricks into the exterior design.

Loss of view - This is not a matter of material planning weight. No-one has a right to the view of land outside of their ownership.

PLANNING CONSIDERATIONS

Assessment against SELLP Policy 1 - Spatial Strategy

This proposal is assessed against SELLP Policy 1 titled - Spatial Strategy. The relevant section in this policy is titled "Countryside". This section of the policy states:

The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional

Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.

In the Countryside development will 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.

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

This is an application for a replacement dwelling which is assessed primarily against Policy 22 of the SELLP, titled - "Replacement Dwellings in the Countryside." There is not a net increase in dwellings in this location and therefore there is not impact on economic, community or environmental benefits. Economically the work will provide short term construction employment in the area. A community will benefit from continuing habitation in around the settlement to support the services in Surfleet. Environmentally the dwelling is constructed from insulated cladding to lower energy bills and is raised out of the ground by 1.12 metres to address flood risk.

This application accords with SELLP Policy 1.

Assessment against SELLP Policy 2 - Development Management

This proposal is assessed against SELLP Policy 2 titled - Development Management. This policy states:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to:

1. size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses;
2. quality of design and orientation;
3. maximising the use of sustainable materials and resources;
4. access and vehicle generation levels;
5. the capacity of existing community services and infrastructure;
6. impact upon neighbouring land uses by reason of noise, odour, disturbance or visual intrusion;
7. sustainable drainage and flood risk;
8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets;
9. impact on the potential loss of sand and gravel mineral resources."

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

1. To the west of the proposal site, 14 The Reservoir approved under H17-0047-19 has a ridge height of approximately 11.2 metres. Compared to the maximum replacement dwelling height of 4.87 metres there is not considered to be a material impact on size, scale or density. Additionally, there is not considered to be a material amenity impact as there is not considered to be an overlooking or overshadowing by virtue of the size and footprint of the dwelling as well as the location of windows.

2. The design is considered to be a significant improvement from the existing dwelling, which while still habitable does look dilapidated and in need of improvements to extend its lifetime. A number of other replacement dwellings have been installed on The Reservoir, with the designs in keeping with existing buildings. The orientation and footprint is in keeping with the adjacent dwellings. It is noted that the Historic Environment Officer wishes for the historic character of the area to be preserved and this proposal will help to provide a modern dwelling that is in keeping with the other modernised or replaced dwellings in the vicinity. The original dwelling is not of architectural or historic merit in and of itself. However, the area known as The Reservoir is considered cumulatively by the County's Historic Environment Officer to have a unique historic character. 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 would also be raised higher as a flood mitigation measure and is therefore, on balance, considered acceptable.

3. Materials of construction are in keeping with the newly replacement dwellings along The Reservoir and this is considered to benefit the overall appearance of the surrounding area.

4. The vehicular access to the front of the site on the opposite side of The Reservoir remains unaltered. The garage and adjacent land can accommodate in total 4 standard vehicles which is above the requested minimum amount of 2 spaces under Appendix 6 of the SELLP.

5. As this application is for a replacement dwelling, there is not considered to be an impact on the capacity of existing community services and infrastructure.

6. The western elevation porch of 16 The Reservoir and the side window of living area face the proposal site which is located approximately 5.5 metres away. This is a standard separation distance in this area and there are rarely boundary fences between the properties, with windows facing one another. The garage is of a standard construction and is sited 1 metre from the rear north facing boundary adjacent to 47 The Reservoir which is sited 10 metres from the rear and due to a significant slope is higher than the flat roof of the garage, which is 3.65 metres in height.

7. The area of the The Reservoir to the north and south of the River Glen is flagged as a functional floodplain and it is accepted that at times this area may be utilised. To address flood risk impact, the proposed finished floor level is to be set at 1.12 metres above ground level.

This application accords with SELLP Policy 2.

Assessment against SELLP Policy 3 - Design of New Development

This proposal is assessed against SELLP Policy 3 titled - Design of New Development. This policy states:

All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area;
2. distinguishing between private and public space;
3. the landscape character of the location;
4. accessibility by a choice of travel modes including the provision of public transport, public rights of way and cycle ways;
5. the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking;
6. the lighting of public places;
7. ensuring public spaces are accessible to all;
8. crime prevention and community safety;
9. the orientation of buildings on the site to enable the best use of decentralised and renewable low-carbon energy technologies for the lifetime of the development;
10. the appropriate treatment of facades to public places, including shop frontages to avoid visual intrusion by advertising, other signage, security shutters, meter boxes and other service and communication infrastructure;
11. residential amenity;
12. the mitigation of flood risk through flood-resistant and flood-resilient design and sustainable drainage systems (SuDS);
13. the use of locally sourced building materials, minimising the use of water and minimising land take, to protect best and most versatile soils;
14. the incorporation of existing hedgerows and trees and the provision of appropriate new landscaping to enhance biodiversity, green infrastructure, flood risk mitigation and urban cooling;
15. the appropriate use or reuse of historic buildings.

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

1. The proposal is considered to preserve a sense of place by bringing forward a design that is in keeping with other properties along the reservoir. It is single-storey in design, has raised finished floor levels and has a raised decking area facing the River Glen, in common with many other houses nearby. It is noted that the Historic Environment Officer wishes for the historic character of the area to be preserved and this proposal will help to provide a modern dwelling that is in keeping

with the other modernised or replaced dwellings in the vicinity. The original dwelling is not of architectural or historic merit in and of itself. However, the area known as The Reservoir is considered cumulatively by the County's Historic Environment Officer to have a unique historic character. 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 would also be raised higher as a flood mitigation measure and is therefore, on balance, considered acceptable.

5. There is more than enough space to house refuse / recycling bins and to store bicycles. The vehicular access to the front of the site on the opposite side of The Reservoir remains unaltered. The garage and adjacent land can accommodate in total 4 standard vehicles which is above the requested minimum amount of 2 spaces under Appendix 6 of the SELLP.

11. The western elevation porch of 16 The Reservoir and the side window of living area face the proposal site which is located approximately 5.5 metres away. This is a standard separation distance in this area and there are rarely boundary fences between the properties, with windows facing one another. The garage is of a standard construction and is sited 1 metre from the rear north facing boundary adjacent to 47 The Reservoir which is sited 10 metres from the rear and due to a significant slope is higher than the highest part of the garage roof which is

12. The area of the The Reservoir to the north and south of the River Glen is flagged as a functional floodplain and it is accepted that at times this area may be utilised. To address flood risk impact, the proposed finished floor level is to be set at 1.12 metres above ground level.

This application accords with SELLP Policy 3.

Assessment against SELLP Policy 22 - Replacement Dwellings in the Countryside

This proposal is assessed against SELLP Policy 22 titled - Replacement Dwellings in the Countryside. This policy states:

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.

Where permission is granted, Permitted Development Rights may be removed in order to control future alterations or extensions that may impact on the appearance and character of the surrounding area.

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

1. The dwelling to be replaced has not been abandoned.
2. The original dwelling is permanent, has not become derelict and was not the result of a temporary permission.
3. The original dwelling is not of architectural or historic merit in and of itself. However, the area known as The Reservoir is considered cumulatively by the County's Historic Environment Officer to have a unique historic character. 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 would also be raised higher as a flood mitigation measure and is therefore, on balance, considered acceptable.

4. The replacement dwelling is of a high standard in terms of architectural detailing and materials of construction.

5. The replacement dwelling and garage are on similar footprints to the original buildings on site.

6. The replacement dwellings does not exceed the floor area of the original dwelling by more than 40%.

This application satisfactorily accords with SELLP Policy 22.

PLANNING BALANCE

There is not considered to be a material amenity or character impact from the replacement dwelling. The design is in keeping with other dwellings along The Reservoir, and there are no material, overlooking, overshadowing or overbearing impacts. This application is considered to accord with Policies 1, 2, 3, 4, 10, 11, 17, 22, 36 and Appendix 36 of the South East Lincolnshire Local Plan, 2019, as well as Policies 5, 12 and 14 of the National Planning Policy Framework, 2021.

CONCLUSION

This application is recommended for approval.

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.