

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No: H17-0346-19 **Applicant:** Mr T Forman
Proposal: Residential development - 2 plots
Location: Land Between: 12 Flaxmill House & Old Lammas Reservoir Road Surfleet Seas End
Terminal Date: 23rd May 2019

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

National Guidance

National Planning Policy Framework 2019

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

Representations:

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

CASE OFFICER ASSESSMENT

Proposal

This is an outline planning application for the residential development of 2 plots on land between 12 Flaxmill House & Old Lammas, Reservoir Road, Surfleet Seas End.

The application, as submitted, was originally for 3 dwellings however this has since been revised to 2 at the request of the case officer.

The indicative site layout shows 2 large detached dwellings with garages, each of which would be accessed off Reservoir Road.

The existing shed structure on the south-eastern corner of Flaxmill House to the west would be demolished.

Finished floor levels would be 330mm above existing ground levels on the site, and 150mm above the level of Reservoir Road, as a flood mitigation measure.

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.

The site is located within the settlement boundary for Surfleet as set out in the South East Lincolnshire Local Plan (2019).

History

H17-0451-00 - Outline application for residential development (3 plots) - dismissed on appeal October 2001

Consultation Responses

Surfleet Parish Council - Some concern over proximity and impact on neighbours otherwise support. (Comment relates to application as submitted and not subsequent amendment)

LCC Highways/SUDS - Does not wish to restrict the grant of permission.

SHDC Environmental Protection - Requests the full standard contaminated land condition.

Public -

- Reservoir Road is narrow, busy road, with motorists exceeding the speed limit. There is no footpath provision and it is used by many people (cyclists, school children, horse riders, dog walkers etc.)
- Site is on a blind bend
- Properties should be set well back from the road to allow safe vehicular entry/exit near a narrow bend
- Dwellings should be in keeping with the local architecture and be sympathetic to the rural nature of the surroundings
- Drainage issues

Planning Considerations

- Principle
- Flood risk
- Highways
- Impact upon character and appearance of the area
- Residential amenity

Principle

The site is located within the settlement boundary for Surfleet as set out in the South East Lincolnshire Local Plan (2019). Policy 1 (Spatial Strategy) of the Local Plan classifies Surfleet within the Minor Service Centres tier of the settlement hierarchy and states that within the settlement boundaries of these settlements, 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. Development of the site would contribute towards sustaining the existing facilities within the village and, given that the site is located between existing frontage properties, it is considered to be infill development which complies with Policy 1.

Flood risk

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.

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. However, given that the Council do not currently have a published 5-year housing land supply, it could be argued that it can not currently be demonstrated that there are sufficient reasonably available sites for housing that are sequentially preferable in flood risk terms across the district. As such, one could argue that, should the site be acceptable in all other regards, and if the Exceptions Test is successfully passed, that the site is acceptable in flood risk terms, notwithstanding the fact that there are sequentially preferable sites in the adopted Local Plan.

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

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.

Highways

Concern re highway safety has been raised through the comments received, however the Highways Authority have not objected to the application. It would therefore be unreasonable to refuse the application on highways grounds or request any measures not considered necessary by the Highways Authority.

Impact upon character and appearance of the area

The application site is located within a long row of frontage dwellings which extends for some distance in either direction along Reservoir Road and Seas End Road. Existing residential development is low density and dwellings are set out within spacious plots, which reflects the more rural nature of the surroundings. Given that the site is located in between existing residential development it is not considered that the proposed development would have a material adverse impact on the character and appearance of the area.

The application, as submitted, was originally for 3 dwellings however this has since been revised to 2. It was felt that 3 dwellings on the site would be visually cramped when taking into consideration the pattern of existing development along the northern side of Reservoir Road.

The detailed design of the dwellings would be dealt with at reserved matters stage.

Residential amenity

Although the specific details of design and layout would be dealt with at reserved matters stage, it is considered that an acceptable standard of residential amenity is capable of being provided.

There would be adequate separation distances between existing dwellings meaning that the proposed development should not be overbearing in nature or result in a material loss of light and the proposed dwellings can be designed so as to minimise overlooking.

Other

Surface water would be disposed of via soakaway which is an acceptable solution.

Conclusion

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

The recommendation is therefore for a delegated approval.

Additional Considerations

Public Sector Equality Duty

In making your decision you 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 is only one factor that needs to be considered, and may be balance against other relevant factors.

It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making your decision, you 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.

You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation to grant permission 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 interest and the recommendation to grant permission is considered to be a proportionate response to the submitted application based on the considerations set out in this report.