

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H17-0376-23	Applicant:	M Foden, T Laud & J Bailey-Scott
Proposal:	Demolition of existing outbuildings and erection of 2 detached two storey dwellings - approved under H17-0600-22. Amendment of house type to Plot 1		
Location:	Land Adj. 110 Station Road Surfleet Spalding		
Terminal Date:	4th August 2023		

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
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
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CASE OFFICER ASSESSMENT

PROPOSAL

This is a full planning application on land adjacent 110 Station Road, Surfleet for the demolition of existing outbuildings and the erection of 2 detached two storey dwellings. This application seeks an amendment of house type to Plot 1 - approved under H17-0600-22. Plot 1 is to be located adjacent to 118 Station Road. Plot 1 seeks to provide a single garage, hall, wc, utility, open plan living / dining area, and an open plan kitchen / family area. At first floor level, three bedrooms and three en-suites will be provided. Proposed materials of construction are Ivanhoe Cream Ibstock Brick and Smooth Grey Marley Edgemere Roof Tiles.

To the west of Plot 1, adjacent to 110 Station Road, Plot 2 will be sited. At ground floor level a single garage, study, shower room, utility, living room and an open plan kitchen, family and dining area are to be provided. At first floor level three bedrooms, three en-suites, two dressing rooms and a balcony are sought. Proposed materials of construction are Ivanhoe Cream Ibstock Brick and Smooth Grey Marley Edgemere Roof Tiles. Each dwelling will have finished floor levels approximately 300mm above existing ground level.

Plot 1 differs from the previously approved dwelling under H17-0600-22 as a pantry and a study have been removed at ground floor level. Additionally, a bedroom, en-suite and a balcony have been removed at first floor level.

A site visit was conducted on the 4th of May 2023.

SITE DESCRIPTION

The site is within defined settlement limits and the surrounding area is characterised by linear residential development of varying ages and designs. The site is in Environment Agency Flood Zone 1, and is in a Low Hazard area, with a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping.

RELEVANT HISTORY

H17-0600-22

Full - Demolition of existing outbuildings and erection of 2 detached two storey dwellings - Approved - 09 August 2022.

CONSULTATION RESPONSES

Lincolnshire County Council - Highways & SUDS Officer

No objection. *"The proposal is for amendment of house type to Plot 1 and it does not have an impact on the Public Highway or Surface Water Flood Risk."*

South Holland District Council - Environmental Protection

Following receipt of a Remedial Method Statement the Environmental Protection Officer has provided the following comments:

"I have reviewed the revised information submitted and understand that the applicants need to demolish an existing building in order to complete the site investigation works, and that they have therefore requested an alternative condition wording. Further comments follow below, this is my proposed wording:

CONDITION 1 Prior to development of the proposal beyond oversite a scheme to deal with any contamination of land or pollution of controlled waters shall be submitted to and approved in writing by the Local Planning Authority (LPA). Solely foundations can be installed up unto this point. No slabs, radon sheets or other associated materials shall be installed until the required contamination scheme is approved. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement in writing:

i) As identified as being required following the completion of the desk-top study, an exploratory site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the sites existing status and proposed end use. A full copy of the site investigation and findings shall be forwarded to the LPA without delay upon completion.

ii) Thereafter, a written method statement detailing the remediation strategy for land contamination and/or pollution of controlled waters affecting the site and a timetable for their completion shall be submitted to and approved in writing by the LPA. This shall include details of the proposed verification plan including compliance criteria and monitoring details. No deviation shall be made from this scheme without the express written agreement of the LPA. If during redevelopment contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing by the LPA. Reason: To assess whether the site is polluted and to address any pollution to ensure a satisfactory development. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works. This Condition is imposed in accordance with Policy 30 of the South East Lincolnshire Local Plan, 2019.

CONDITION 2 If contamination of land and/or pollution of controlled waters has been identified as a result of investigation undertaken in accordance with Condition 6 above and remediation is required, a full copy of a verification report shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post-remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation objectives and criteria has been fully met. Note: The applicant is advised that the phased risk assessment required by the Contaminated Land Scheme Condition should be carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part 11A. Reason: To ensure the satisfactory remediation of contaminated land and/or waters. This Condition is imposed in accordance with Condition 30 of the South East Lincolnshire Local Plan, 2019.

FUTHER COMMENTS - I am in general agreement with the proposals for additional site investigation works, and I am in general agreement with the remediation method statement proposed. However, the proposed RMS is dependent on no additional contamination being identified. If additional contamination is identified as part of the next phase of site investigation works, it will need to be revised. Therefore both parts of condition 1 are still required at this time."

Welland & Deepings Internal Drainage Board

No comment.

MATERIAL CONSIDERATIONS

Principle
Flood Risk / Site Levels
Character
Amenity

Housing Policies / Principle

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

"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 above criteria the following can be observed:

The proposal site is within defined settlement limits and is an infill site. The two dwellings will help to sustain existing facilities within the settlement of Surfleet. This proposal accords with Policy 1 of the SELLP.

Flood Risk / Site Levels

The site is in Environment Agency Flood Zone 1, and is in a Low Hazard area, with a maximum predicted flood depth of 0.25 metres on the 2115 South Holland Strategic Flood Risk Mapping. As the site is in Flood Zone 1 there is not a requirement for a sequential or exceptions test. Foul water pipes will connect to the mains drainage with soakaways for surface water to the front and rear of each dwelling. As the site is in Flood Zone 1 and not subject to increase flood risk, there is not a requirement for a sequential or exceptions test. Each dwelling will have finished floor levels approximately 300mm above existing ground level. This small rise in finished floor levels is not considered to generate a material character or amenity impact.

Character / Appearance

The size, scale and layout of the dwellings is considered to be appropriate for the site. A row of hedging will be removed to facilitate the proposal, however, new boundary hedging will be provided for both plots. The application is not considered to materially impact the character and appearance of the site or surrounding area. The design is broadly in keeping with that of the surrounding area and the orientation is that of standard frontage development. Proposed materials of construction for both plots are Ivanhoe Cream Ibstock Brick and Smooth Grey Marley Edgemere Roof Tiles. These materials are considered to be appropriate for the dwellings. Both properties will have swift and bat boxes to aid biodiversity. These measures are supported by the NPPF.

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

The proposal is not considered to constitute overdevelopment. The plot sizes and amenity space provided are comparable with other dwellings in the vicinity of the site. When right to light lines are drawn, neither plot nor the neighbouring dwellings are materially affected by a loss of light.

There is not considered to be a material overlooking aspect from either Plot 1 or Plot 2. When assessing potential overlooking to and from Plot 1 the following can be observed. The ground floor north facing rear elevation windows will face mixed native hedging at the rear boundary. The boundary fencing between Plot 1 and Plot 2 is a 1.2 metre high post and rail fence so part of the rear garden of Plot 2 will be visible from these windows but none of the dwelling. The ground floor west facing side elevation window serving the wc will be obscure glazed, and the window serving the dining room will face the 1.2 metre post and rail boundary fencing and rear garden of Plot 2 beyond. This window does not face the property at Plot 2. The ground floor south facing front elevation will contain a garage door and a front door. These doors face the driveway to the front of both properties, which will also be visible from the highway. The ground floor east facing side elevation will have a kitchen window and utility door. This fenestration faces the 1.8 metre high boundary fencing and 2 metre high hedging at the side boundary with 118 Station Road.

At first floor level of Plot 1 the north facing rear elevation windows serving Bedrooms 1 and 2 will face mixed native hedging at the rear boundary. The boundary fencing between Plot 1 and Plot 2 is a 1.2 metre high post and rail fence so part of the rear garden of Plot 2 will be visible from these windows but none of the dwelling. The rear side boundary with 118 Station is 2.5 metre high hedging beyond which furthest extent would be visible from these windows but none of the dwelling. The first floor west facing side elevation will contain an obscure glazed en-suite window. The first floor south facing front elevation will contain a window serving a stairwell, a window serving the landing, and a window serving Bedroom 3. These windows face the driveway to the front of both properties, which will also be visible from the highway. The first floor east facing side elevation will contain two obscure glazed en-suite windows.

With regard to Plot 2 the following can be observed. The western side elevation boundary will be

served by a 1.2 metre high fence beyond which is a 3.5 metre wide agricultural access track. At ground floor level there are two west facing side elevation kitchen windows that face the track with established trees beyond at the boundary with 110 Station Road. There is not considered to be a material overlooking impact to or from these windows. All other ground floor windows face the northern and eastern mixed native hedging or the shared parking area to the east of Plot 2.

At the first floor level of Plot 2 the western elevation en-suite window will be obscure glazed and the west facing window towards the frontage will serve a stairwell which is not a habitable room and therefore is not considered to afford a material overlooking aspect to 110 Station Road where the boundary is bordered by an established line of trees. The north facing rear elevation balcony will directly face the rear boundary of the plot and is enclosed by brick to the western and eastern elevations to minimise visibility to the east and west. The east facing en-suite window will be obscure glazed and the window of Bedroom 2 will face the open shared parking area with Plot 1, and the open plan parking area of 118 Station Road beyond. The first floor south facing frontage windows will face open fields on the other side of Station Road.

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

PLANNING BALANCE

It is considered by virtue of the orientation, massing and siting that there will not be a material impact on the character or amenity of the surrounding area by the proposed dwellings. The amendment to Plot 1 has reduced the size of the dwelling, and this has not lead to an increased character or amenity impact.

CONCLUSION

This application accords with Policies 1, 2, 3, 4, 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

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.