

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H17-0409-22 **Applicant:** Mr M Gray

Proposal: Details of written scheme of archaeological investigation and existing & proposed site levels (Conditions 9 & 14 of H17-1340-21)

Location: Fairview Birds Drove Surfleet

Terminal Date: 9th June 2022

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
28	The Natural Environment
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
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	0	1

CASE OFFICER ASSESSMENT

PROPOSAL

This is a condition compliance application at Fairview, Birds Drove, Surfleet for details of a written scheme of archaeological investigation and existing & proposed site levels (Conditions 9 & 14 of H17-1340-21).

SITE DESCRIPTION

The site is outside of defined settlement limits in the open countryside. The surrounding area is predominately rural, characterised by buildings of varying ages and designs. The proposed replacement dwelling is in Environment Agency Flood Zone 3, and is in a "Low Hazard" hazard area with a maximum predicted flood depth of 0.25 metres.

RELEVANT HISTORY

RELEVANT HISTORY including applications for what is now the adjacent site at Mala Wala

H17-0500-92

Full - Replacement dwelling - Approved - 04 August 1992

H17-0728-95

Condition Compliance - Details of design and external appearance of replacement dwelling (Condition 2 of H17/0500/92) - Approved - 31 May 1996

H17-1051-97

Condition Compliance - Details of landscaping and external materials (Conditions 3 & 5 of application H17/0500/92) - Approved - 22 October 1997

H17-1188-19

Section 73 Continuation - Replacement dwelling - approved under H17-0500-92 - Modification of Condition 6 to allow cottage to be demolished before replacement dwelling is inhabited - Approved - 30 January 2020.

H17-0933-21

Full - Retention of vernacular style cottage as a dwelling house, contrary to the requirement of Condition 2 of planning permission H17-1188-19 for the dwelling to be demolished - Approved - 02 November 2021.

H17-1340-21

Full - Replacement cottage - Approved - 28 February 2022.

H17-1347-21

Section 73 Continuation - Replacement Dwelling - approved under H17-1188-19. Modification of Condition 1 to allow amendments to previously approved plans and removal or modification of Condition 2 to allow the existing dwelling to remain on site - Approved - 23 February 2022.

CONSULTATION RESPONSES

LCC - Historic Environment Officer

"I can confirm that this written scheme of archaeological investigation for historic building recording meets the requirements of this office. We can therefore recommend that the local planning authority could now discharge Condition 9 of permission H17-1340-21."

PLANNING CONSIDERATIONS

Accordance with Condition 9 of H17-1340-21 - Archaeological Scheme

The Historic Environment Officer has stated "*I can confirm that this written scheme of archaeological investigation for historic building recording meets the requirements of this office. We can therefore recommend that the local planning authority could now discharge Condition 9 of permission H17-1340-21.*"

Condition 9 is considered to have been addressed.

Accordance with Condition 14 of H17-1340-21 - Details of Existing and Proposed Site Levels

The existing and proposed frontage site level is 3mAOD, with the existing site level of the dwelling footprint at 3mAOD and the proposed finished floor level at 3.3mAOD. The area of the rear patio, garden and detached single garage is currently 3mAOD with predicted site levels of 3.15mAOD.

Overshadowing / Overbearing - The proposed dwelling is approximately 11 metres from Mala Wala to the west and 18 metres from the garage serving Mala Wala to the south-south-east. The ridge height of the replacement dwelling is 7.35 metres. Using right to left calculations no buildings will experience a material overshadowing or overbearing impact.

Overlooking - There is not considered to be any fenestration on the northern frontage and eastern side elevation for which overlooking concerns can be assigned. With regard to the western side elevation there are two ground floor windows that serve a family room and kitchen these windows will face a close boarded boundary fence. There is not considered to be an overlooking aspect from these windows. The first floor western side elevation window will serve a bedroom. There are no side elevation windows to the eastern side elevation of the neighbouring property Mala Wala. The applicant proposes the installation of trees along the western boundary which will help to reduce any potential overlooking from Orchard Cottage or Mala Wala.

On the rear projection of Mala Wala there are eastern side elevation windows that serve a kitchen room and a dining room. These windows are approximately 23 metres away from the first floor bedroom window of Orchard Cottage at the nearest point. The windows do not directly face each other.

With regard to the southern elevation of the proposed replacement dwelling, there are ground floor bifold doors serving the kitchen, as well as a utility room door and a lounge window. These windows will face the Laurel hedge on the southern boundary. This is considered to eliminate any potential overlooking to the detached garage which is not a building containing habitable rooms. At first floor level there are two south facing rear elevation windows serving bedrooms. The window serving bedroom 2 is not considered to have an overlooking impact as the two storey rear projection prevents visibility of the dwelling, with the detached garage not containing habitable room usage. The window serving bedroom 1 is set far back enough in the site that it solely affords a view of the detached garage but none of the adjacent dwelling. There is not considered to be a material overlooking impact from the proposed dwelling.

The proposed finished floor levels are not considered to cause material overlooking or overshadowing concerns.

Condition 14 is considered to have been addressed.

PLANNING BALANCE

The submitted archaeological and site level details are considered to satisfactorily address Conditions 9 and 14 of H17-1340-21.

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.